





# Nationalisms In India —The Problem

**AJIT SINGH SARHADI**

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**TO MY MOTHER**



## **FOREWORD**

The division of the subcontinent into two sovereign independent States of India and Pakistan in 1947, created problems which have delayed establishment of a socialistic state in India. The creation of linguistic states, particularly, has had serious repercussions all over the country, especially in the Punjab on the one side, Tamil Nadu, Kerala, Karnataka and Andhra Pradesh in the South, and Arunachal Pradesh, Manipur, Mizoram, Meghalaya, Nagaland and Tripura, in the East. Then the demons of communalism and casteism, are enemies of national solidarity.

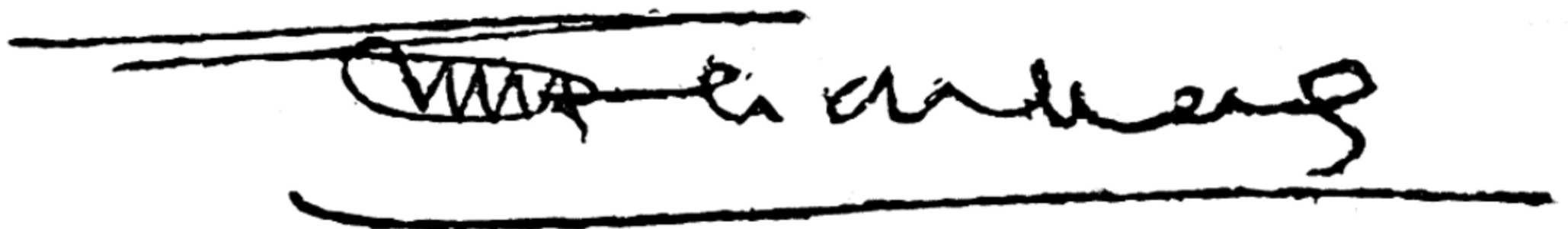
Externally, relations with Pakistan have caused tremendous drain on the financial and economic resources of the country all these 26 years. Meanwhile Pakistan has lost its Eastern Province of Bangladesh, and the Pakhtoonistan movement continues to be threatening.

All these conditions are a standing challenge to the policy-makers in New Delhi. Perhaps India of the dream of Gandhiji, Maulana Azad and Jawaharlal Nehru may not take longer to fulfil, if men in power still act with vision and foresight. They cannot afford to treat the growing ferment amongst linguistic groups, and economically dissatisfied and unemployed millions with disdain or complacency. The policy of assimilation or integration can succeed through consolation and coordination but never by coercion. A political system which assures justice, equality and economic opportunities to all sections of population irrespective of caste, community and social distinctions, appears to be the only practical solution. A prosperous state can be established through national integration only for which alterations in the Constitution are unavoidable. The example of U. S. S. R. may suit India best. There are more than 100



nations and small nationalities in Russia. Even so each unit has been so constituted as to be able to develop in its own way individually, while collectively contributing to the economic sufficiency and national solidarity of Russia by their unparalleled endeavours for achievements in nation-building enterprises in the fields of science, technology, economics, agriculture and industry.

Mr. Ajit Singh Sarhadi has exhaustively dealt with the problems of India in his "Nationalisms in India—the Problem". He has performed a national task in a spirit of dedication. He has made a piercing study of social, economic, administrative and political conditions of the post-partition period. His approach is that of a pragmatist. His thesis is a challenge so far as official attitude is concerned. But that he is not afraid of telling the truth as he sees it gives weight and force to his views.

A handwritten signature in dark ink, appearing to read 'Sheikh Mohammed Abdullah', is written over a horizontal line. The signature is fluid and cursive, with the first part being more stylized and the last part ending in a long, sweeping tail.

(Sheikh Mohammed Abdullah)

## *PREFACE*

It has become axiomatic to believe that language is the sole basis of nationality. Professor and historian Toynbee expresses this sentiment; "The growing consciousness of nationality had attached itself to neither traditional frontiers nor to geographical association but exclusively to the mother tongue". Nationalism, thus, has come to mean an intense feeling of loyalty to mainly, language, culture or religion. The emergence of Bangla Desh has vindicated the fact that the blending of linguistic nationalism with the economic factor gives greater unity, vitality and dynamism to nationalism than mere religion, which alone tied West Pakistan to its Eastern counterpart in an uncomfortable manner.

This being the subject of my interest. I learnt a great deal through informal exchanges with friends in politics and outside. Of special import were my conversations with Sheikh Abdullah with whom I had honest differences of opinion regarding the character and role of nationalities in India. I had objections with regard to his nomenclature 'national minorities' which to me are 'nationalisms'. He accepts the traditional theory of one-nation one state as relevant to India whereas I advocate the creed of multinationalism in one State.

I am grateful to Sheikh Abdullah for his writing the Foreword. I am indebted to Professor Gurbachan Singh Talib, my niece Mrs Neena Sibal and Dr M M Sankhdher, for their revising the manuscript. I acknowledge the debt I owe to the authors mentioned in the text. And, I am obliged to Mr B R Chawla of the Heritage Publishers, Delhi, for his efforts to expedite the publication of this book.



**Ajit Singh Sarhadi**





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## *PROLOGUE*

World War I destroyed the Russian Empire. This paved the way for the creation of the Union of Soviet Socialist Republics, the first country in history where the diverse people, who had long suffered under the Czarist regime, founded a genuine community of equal republics, ensuring rapid economic growth with social justice. The experience of the Soviet Union in the field of economic and cultural advancement and the success she achieved in developing new industries and making rapid progress in science and technology attracted the attention of the world, particularly of the people under the colonial rule, to the new system of integration of nationalities within a common national fold.

World War II, however, brought forth new ideas and ideologies. Western Europe had been the centre of colonial empires. For many decades the people there had been inspired by the imperialist outlook of the ruling classes. Then it found itself ravaged by the Nazi invaders. The anti-fascist coalition in Europe initiated essential changes into the socio-economic structure which in turn liquidated the colonial outlook. The termination of empires and the liberation of colonies reduced the burden of expenditure on armaments and this led to the growth of sophisticated modern industries and increased production. Simultaneously progressive changes took place in the social pattern. This undermined the economic strength of reactionary monopoly groups which exploited the colonies and resulted in the economic betterment of the people at large.

Most Economists now recognise that the decisive factor that contributed to economic prosperity in Europe was the reduction in military expenditure in the national budgets of different States. This forced transition to a relatively peaceful economy



has enabled the States of Europe to achieve a greater leverage in international politics than the one they had during Imperial heyday.

The Indian sub-continent, however, is the most sensitive zone in South-East Asia having been involved in perennial tension, cold war, perpetual conflict and confrontation during the last 27 years. Indo-Pakistan relations are burdened with preconceptions and disputes which have their roots in the colonial past. Thrice, in 1948, 1965 and 1971, the Indian sub-continent has been rocked by armed conflict and the tension shows no signs of abating. The continued estrangement between India and Pakistan is partly due to the impression in Pakistan that Hindu India has not reconciled itself to the birth of Pakistan and that India seeks its liquidation. President Z.A. Bhutto in his book 'Myth of Independence' writes: "They believe that the country (Pakistan) could not survive the rupture of its trade and economic relations with India. On the basis of this assessment India enforced an economic blockade of Pakistan, but Pakistan reacted bravely. Foreign trade was boosted, the processing of indigenous raw material was undertaken and having withstood the initial dislocation, Pakistan was able to move on to a new era in which her economy became progressively more capable of withstanding economic aggression". This suspicion persists and has been strengthened by the emergence of Bangladesh. This development has given the Pakistan leadership a handle to arouse their masses to fury and 'jihad' on the plea that India inspired, instigated and actively helped in the liberation struggle of East Bengal, which has led to the dismemberment of Pakistan. The Pakistan leadership, of course, forgets its own acts of commission and omission in this regard. The result, however, is that relations between the two countries have reached a stage of estrangement and animosity which may take a very long time to end. India can hardly do anything in this regard unless the Pakistani leadership creates a proper atmosphere by removing anti-India feelings from its people's mind.

There is no gainsaying the fact that India is very precariously situated vis-a-vis Pakistan as its neighbour to the West with the colossus China looming on the North, and Bangladesh on the East.

The emergence of Bangladesh, a friendly nation now, has



certainly eased the eastern border problem, but there can be no certainty of this border being peaceful for all times to come. The portents in Bangladesh are pregnant with serious developments. It has to be recognised that there the Muslim Bangla movement is becoming more and more powerful. This movement uses every opportunity to exploit the economic difficulties in Bangladesh. Rising prices and economic problems are used to advantage reminiscent of the 'good old days' of the Pakistani rule when prices were low and people did not buy Indian goods. The Hindu minority again finds itself in danger there, but it can hardly seek justice or security from a Government which could not prevent the killings of Awami League workers during the first 30 months after the liberation. It is estimated that 2,400 Awami League workers were killed by the Muslim Bangla fanatics. The Muslim Bangla movement is growing stronger. The recognition of Bangladesh by Pakistan and the expected co-operation and collaboration have in no way eased the situation.

There is no possibility of an early settlement of India's disputes with China either. These disputes do not relate to the border areas alone. Of course, China resents the way in which its border territories were nibbled away by the British in the Himalayas, the French in Vietnam and the Russians in Central Asia and Siberia. The People's Republic of China now expects countries like India and the Soviet Union to make some amends for the doings of their past rulers by restoration to her some areas on the border. It has made settlements with some neighbours. However, the differences between India and China go much beyond border disputes. A noted writer on the subject observed: "A border settlement and general rapprochement will not be possible for many years. Indian opinion is almost hysterically anti-Chinese (even the Indian Communist Party is split on this issue with only a small minority continuing to withhold blame from China) and China now appears as a convenient bogeyman whose threats fortify the somewhat anaemic Indian sense of nationalism. The likelihood of continued tension is also suggested by the remaining ambiguities of the Himalayan border. There are still two tiny quasi-independent States, Bhutan and Sikkim, sandwiched between India and China : India at the moment controls them, but China would certainly seek to



alter that. Nepal has established a viability and could remain a sought-after buffer State between the two giants, but any mistake in her diplomacy or sudden change in the delicate balance of power between them could threaten her neutrality. There is talk of independence for India's NEFA tribes, and of a Himalayan Federation which might include Tibet or Nagaland or both. The political status of Kashmir is uneasy, and the Chinese are still unsure of their hold over Tibet (where rebellion simmers on). It is doubtful if the Himalayas will ever really be at peace until they are cleanly and unequivocally divided between their two rival masters."\*

A number of Muslim States, Afghanistan, Iran, Iraq, Egypt and others extend from Pakistan to the Mediterranean, the most important among them leaning more towards Pakistan than India. The Indian leadership has gone all out directly and through diplomatic channels to befriend these nations but with little result as became clear at the Muslim conferences at Rabat and Algiers. The summit of the leadership of 30 Muslim countries, sponsored by and held in Pakistan ostensibly in support of Arab cause, symbolises the fraternal unity in the Muslim Bloc.

It is in this context and in the context of India's geographical situation in this tense sub-continent that India was driven to seek protection under the treaty of friendship with the Soviet Union, which enabled her to survive a terrible catastrophe of nearly 10 million refugees, mainly Hindus, driven out of East Bengal, pouring into India. But this has inevitably drawn her into the vortex of world power politics of sharing the globe. The United States Defence Department's announcement of the U.S. having opened a communication station and naval base on the British island of Diego Garcia in the Indian Ocean to control the movement of American ships and planes in the area is an evidence of this game. Perhaps, this explains why the then British Foreign Secretary, Sir Alec Douglas-Home got no satisfactory response from India in 1972 to his protest against the movement of the Russian Navy in the Indian Ocean. The New York Times comment of June 18, 1973, is an apt pointer to the opening of the communication station which, to quote "reflects

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\*Dick Wilson 'A Quarter of Mankind' p. 233.



the growing strategic interest of the U.S. Navy in the Indian Ocean and its desire to be in a position to counter any extension of Soviet naval influence." Another indication of this is America's mammoth supply of arms to Iran, the most trusted ally of Pakistan, which will become the third largest holder of weapons, next only to the Soviet Union and the United States. Besides, India should be concerned about the military build-up of the Soviet Union in South Yemen, which has no oil or gas reserves of its own, but is strategically located at the Red Sea entrance. South Yemen was at one time known to be the gateway of India, when its capital Aden was a British colony.

The exigencies of international developments in South-East Asia demand that situated as India is, it should be ever vigilant and strong. Strength depends on internal peace, unity and economic prosperity. Therefore, it is in India's interest that it should spare no effort to remove the causes that are at the root of continued discord and strife between India and Pakistan. Informed political observers about the origin of these chronic contradictions between the two countries support the view that these contradictions involve Hindu-Muslim relations in the sub-continent. The Kashmir problem is only a symptom of the malady. The solution lies in bringing about concord and harmony so essential to mutual interest of the two countries, their economic development, peace and removal of chronic poverty in this region. The problem is not insoluble. It needs understanding and a bold and imaginative approach.

This book seeks to highlight the imperative need of the time, which demands the leadership of Pakistan and India to take a realistic view of the problem of peace in the sub-continent. Peace can come about in case the demands of linguistic, cultural and other groups in both countries are met. This should go a long way in solving Hindu-Muslim problem in India. The solution of the problem does not lie merely in bringing together peoples under one political system with distinct cultures, languages and religions. It lies in recognising these diversities and dealing with them in a manner that these groups feel satisfied and they adjust themselves to one another in their own interest and in the interest of the country.

An attempt has been made in the book to give the historical background of the religious and cultural revivalism of different



communities in India which eventually culminated in the partition of the country. This, however, did not provide a solution to the problem of the minority groups with ambitions and aspirations to grow in their own way still left in this country after independence. It was a sad commentary on the Indian rulers who switched on the unitary system of government after partition by devising a Constitution more centralised and unitary than broad-based and federal. The belief and expectation of the leadership that a strong Central Government would be a unifying force, however wide the diversities in the people might be, and that, under a unitary system of government, the country would ultimately become integrated and united, has been belied by the course of events during the last 27 years. The differences are so ingrained and deep that the solution lies in evolving and adopting a political structure suited to the interests of minorities which should find opportunities for self-development. If that could be ensured, they would then contribute to the strength and integrity of the country as a whole. The Kashmir problem is a heritage of partition. The solution lies in granting to Jammu and Kashmir full internal autonomy as an assurance to the Muslim majority for their cultural, religious and economic growth in accordance with their history and culture. This would contribute to the solution of Hindu-Muslim problem in as much as this would not only eliminate the main grouse of the Muslims but would also enable the State of Jammu and Kashmir with the Muslim majority to play a useful and helpful role, vis-a-vis, the Muslims scattered throughout the country.

The situation in the strategic area comprising the States of Nagaland, Meghalaya, Manipur and Tripura and the Union territories of Mizoram and Arunachal Pradesh with China in the North should be treated with caution. The United Democratic Front, more favoured by the electorate in the recent elections in Manipur State, has made it clear that it is committed to achieve by constitutional means a final negotiated settlement of the Naga political problem. It has not spelt out what it means by Naga political problem. Peace cannot come to that region unless a more imaginative policy of giving full autonomy to these States and areas within the Union of India is adopted.



The struggle for the Punjabi Suba for 19 years left behind a trail of bitterness, estrangement and differences between Hindus and Sikhs in Punjab. The Sikhs are in majority in this State and are demanding more autonomy. The failure to meet this demand might entail further bitterness which may not be conducive to the maintenance of peace and harmony in this sensitive border State exposed to foreign aggression.

Finally, this book advances the thesis that a country of India's size and diversities needs a truly federal structure for the sake of a balanced development. This can be achieved only when there is decentralisation of administration and when each unit is given maximum autonomy within its own sphere. Perhaps Gandhiji was a pioneer of this idea. He went to the extent of saying: "My idea of village Swaraj is that it is a complete republic, independent of its neighbours for its own vital wants and yet inter-dependent for many others in which dependence is necessary." And India of his dream was a republic of republics. His concept of decentralisation has been aptly summarised by a noted Sarvodaya writer thus: "(i) In Gandhi's scheme the village is the primary unit of government. (ii) From the village upward are to be constituted units of government with residuary powers till at last the unit of Central Government is reached. (iii) In such a restructuring of government at each level, complete democracy and freedom are guaranteed. (iv) Each level beginning from the lowest unit, the village, is as far as possible self-sufficient in vital needs and inter-dependent in many other needs. Regional self-sufficiency is the final aim of such graded self-sufficiency. (v) Both agriculture and industry are related, each strengthening the other with having as far as possible decentralised technique of production run by power and energy provided they are owned by the village of the community. (vi) All centralised industry whose main function will be to feed the small-scale technology must be under the producer's control."\* This concept might appear to be a wild and idle fancy but decentralisation is a must whereby each component of the Union of India is fully autonomous internally for running an efficient administration.

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\*Nageshwar Prasad 'Decentralisation in Yugoslavia and India' pp. 196-197.

This book develops the theme of the basic structure of Indian society which is multi-national, multi-religious and multi-lingual. Free enterprise in the economic field has failed precisely because what John Stuart Mill has said, "free institutions are next to impossible in a country made up of different nationalities." Non-recognition of this fact of diversity has resulted in the failure of first four Five-Year Plans in removing poverty. Free enterprise and free institutions in such a society mean concentration of power in fewer hands, to the detriment of society in general, and the backward classes in particular. This tends to create disparity and discrimination between various groups and nationalities as our society is not an integrated whole. Socialism in its proper sense is the solution. But State capitalism in any case is not socialism.

This book recommends the adoption of the system of cultural pluralism for the minorities and nationalities in the constituent States. It is a system in which the cultural or religious unit, in a multi-religious or multi-cultural State, is enabled to look after its cultural and religious interests. The system had been founded before the First World War by Austrian social democrats Oto Bauer and Karl Remmier. The adoption of such a system would largely satisfy the minorities.

The book is a humble effort at stating the problem of nationalism in India and to seek solution through cultural pluralism in a truly federal political system.



## CHAPTER I

# *RELIGIOUS REVIVAL*

Some writers are of the view that but for the Islamic invasion the stage was reached when Indian Society could have evolved a common Hindustani culture for the flowering of truly secular Indian nation in a more propitious milieu. In the eighth century Islam burst on India and politically the Hindus caved in. The Hindu culture and religion nevertheless survived the most critical and difficult period because of their inherent resistance. They insulated themselves from the Muslim rulers whom they derisively styled as Malechas (impure ones). The caste system in Hindu society was not only the main contributor to this situation, but was always a formidable force of cohesion in Hindu society in different stages of development.

As early as 1001 A.D. the renowned savant, Al-beruni who had accompanied Mahmud of Ghazni to India, made the following observations in his book 'Kitub-ul-Hind': "All this fanaticism is directed against those who do not belong to them—against all foreigners. They call them Malecha, i.e. impure, and forbid having any connection with them, be it of inter-marriages or of any other kind of relationship, eating and drinking with them, because thereby, they would be polluted. They consider as impure anything which touches the fire and water of a foreigner, and no household could exist without these two elements. They are not allowed to receive anybody who does not belong to them even if he wishes it and is inclined to their religion. This renders communication between them quite impossible and constitutes the widest gulf between them and us." Jawaharlal Nehru observed, "...but India clings to me as she does to all her children in numerous ways; and behind me lies, somewhere in the sub-consciousness racial memories of a hundred, or whatever the number may be, generation of

Brahmins. I cannot get rid of either that caste inheritance or any recent acquisition. They are both part of me ..."<sup>1</sup>

Attempts were made in the past by several Muslim rulers to bring the two communities together but without appreciable success. Sikandar Lodhi and Sher Shah took the Hindu leaders into confidence, assigned important positions to them, entrusted them with responsible missions, yet Hindu religious prejudices persisted. It was at a much later stage when Hindus realised that the Muslims had become an integral part of India, that this animus somewhat diminished. May be this was made possible by the important role played by the Muslim Sufis, and later by leaders of the Bhakti cult which established a detente between Hindus and Muslims. Meanwhile, many Hindus had embraced Muslim faith either by forcible conversion or by force of circumstances. But the greatest part with regard to reconciliation was played by Kabir who, by his hymns of love and devotion, touched the religious feelings of common people, Hindus, Muslims and others. Guru Nanak's mission of establishing a bridge between the two drew them nearer. This contact between the two cultures might not have fused, but it certainly had an impact on the fine arts of both, on music, architecture and literature. The relationships between the two communities were more cordial in the southern part of India. The Muslim founder of the Bahmani empire in the South had ascended the throne with the help of his Brahmin friend, Gangu, whom he appointed not only his Prime Minister, but borrowed his name calling himself Hassan Gangu. The Muslim Kings, who succeeded Hassan gave great impetus to the fusion of these two cultures; and the language of the kingdom came to be known as Dakhani. It was adopted as a literary language by the great Sufis who began to compose poetry and prose in it. It was later adopted by the Courts of Bijapur and Golkonda and this effected some measure of reconciliation between the Hindus and the Muslims.

It was, however, in the time of Akbar that the vista of common civilization by fusion of Hindu and Muslim cultures opened up. Akbar combined in himself the daring spirit of enterprise of a Chughtai, the broad mindedness of a Sufi and the liberalism of a philosopher and he was fully qualified for

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<sup>1</sup>Jawaharlal Nehru 'Autobiography' p. 353.



the task of bringing into existence a common Indian nationhood and culture which the spirit of the age demanded. Abul Fazl in his well known book 'Aini-Akbari' writes : "The king should be above all religious differences, and should see that religious differences do not come in the way of the duty which he owes to every class and every community. Under his all embracing care everyone should find peace and happiness so that the benefits conferred by the Shadow of God are universal." Having won the allegiance of all classes and communities, Akbar strove to build an edifice of national culture on the matrix of both Muslim and Hindu cultures. But a symmetrical culture is always rooted in a common language and Urdu perhaps could fill the bill in this respect. It was originally a language of common intercourse around Delhi, when it came to be known as Urdu, but it soon turned into an all India language. No doubt, Persian was the official language of the Moghul Court and was also used by the Marhatta and Sikh monarchs. Side by side with the official Persian language, Urdu flourished and its popularity grew to such an extent that it became a serious competitor of Persian. The East India Company included Urdu along with English in the syllabus of its Fort William College, which was established at Calcutta for the education of its employees. Persian remained the official language of the East India Company till 1829 and in practice till 1844, but Urdu had by then pushed Persian into the background.

The mutiny of 1857, according to one viewpoint, was the climax and culmination of the fusion of the two cultures and unity between the Hindus and the Muslims, when they confronted the foreign rulers in a showdown under the symbolic leadership of the Moghul Emperor, Bahadur Shah. Another viewpoint controverts this premises by spelling out that there was neither fusion of cultures nor unity but temporary alliance based on expediency against a common enemy. It was not exactly a mutiny, but it assumed the character of a rebellion by a section of the people and elements of the Sepoy Army against British supremacy and sovereignty. It was certainly not a war of independence in the modern sense. Though there is no gainsaying the fact that the insurgents had avowed to topple the regime of the foreigners but large sections of the population remained listless and viewed the rebellion with nonchalance. The different



sections of Indians who participated in the struggle were not touched with the stirrings of Indian nationalism, but were overwhelmed with communal and parochial aims. The feudal leadership which spearheaded the revolt were neither members of any organised political party with national bonds nor were they bolstered by any alien power. The motive behind the rebellion might not have been national in the modern sense, but there was community feelings among a large section of the people to oust the foreign rulers. The movement could have assumed the national character, had the leadership possessed sufficient vision, imagination and determination. There was a glaring dearth of political foresight and the only factor that united the heterogeneous elements in the country was the urge to expel the foreign intruders and to revive the old order in the form of a disunited feudal India under the Moghul dynasty at Delhi. There were many discordant elements in the country who either took no part in the rebellion or rendered active support to the British, such as, the Gurkhas of Nepal, the Jats of Bharatpur, the Mahrattas of Gwalior and the Dogras of Jammu as well as people of Bombay and Madras. Sepoy units provided invaluable assistance to the British to crush the rising. In Oudh, the insurrection assumed a national facade, and the populace and soldiery rallied round the deposed Muslim ruler, to oust the foreigners. The sepoys of Oudh in the present Uttar Pradesh, who composed the Bengal Army, were active protagonists of the rebellion. The Bengal Army was the instrument with which the British had seized India, culminating in the overpowering of the Sikh monarchy in Punjab in 1849. The Sikh soldiers of this newly acquired warlike State had no common links with the Poorbia sepoys of the Bengal Army who had plummeted in to the great catastrophe. They viewed the Bengal Army sepoys with lingering aversion for the fervent support they had rendered to the English in the two Sikh Wars. The recent past misdeeds of the Poorbia soldiers, especially towards the womenfolk in Punjab, came home to roost with a vengeance. It was the memory of such acts which moved the Sikh soldiers to the side of the East India Company.

There is, however, no denying the fact that fusion between the two cultures was at its maximum in the middle of the last century. Dr. Tara Chand in his book *'The Influence of Islam on*



*Indian Culture* writes' : "It is hardly possible to exaggerate the extent of Muslim influence over Indian life in all departments but nowhere else is it shown so vividly and picturesquely as in customs, in intimate details of domestic life, in music, in the fashion of dress, in the ways of cooking, in the ceremonies of marriage, in the celebration of festivals and fairs and in the courtly institutions and etiquettes of Maharatta, Rajput and Sikh princes. In the days of Babar, the Hindus and Muslims lived and thought so much alike that he was forced to notice their peculiar Hindustani way. His successors so gloriously adorned and so marvellously enriched this legacy that Indians might well be proud today of the heritage which they, in their turn, have left behind."<sup>2</sup> Such was the position in regard to the fusion of culture and the existence of the 'National' consciousness at the time of the 1857 Mutiny.

There is another standpoint bearing on this matter. A section of writers deny the fusion of Hindu and Muslim cultures or forging of a common Hindustani civilization at any stage in India's history. Dr. G.S. Ghurye in his book '*Social Tensions in India*' vehemently controverts the thesis of Dr. Tara Chand, Humayun Kabir and Abid Hussan regarding the emergence of Hindustani culture. If there was any such common culture it was confined to Northern India, and left the whole of South and East India completely unaffected. According to his viewpoint, it did not even touch Maharashtra or Gujarat. Dr. Ghurye further asserts that some fusion may have been achieved in some fine arts in Northern India, but the culture in general was mainly Muslim and by no stretch of imagination it could be termed 'Hindustani Culture'. Dr. Ghurye quotes Ferguson in support of his stand that even Muslim architecture had no impact on Hindu architecture : "They (Hindus) long ago found out that it is not temples and palaces alone that are capable of such display, but that everything which man makes may become beautiful, provided the hand of taste be guided by sound judgment and that the architect never forgets what the object is, and never conceals the constructive exigency of the building itself... but no one who has personally visited the object of interest, with which India bounds can fail to be struck with the extra-

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<sup>2</sup>Dr. Tara Chand 'The Influence of Islam on Indian Culture' p. 141-42.



ordinary elegance of detail and propriety of decision, which prevails in all the architectural achievements of the Hindus; and this is not only 'buildings' erected in former days, but in those now in course of construction in those parts of the country, in which the bad taste of European rulers had not penetrated."

One may differ a little with either viewpoint, but the fact remains that fusion, if any, between the two cultures was at its peak at the time of the Mutiny of 1857, when Hindus and Muslims, under the symbolic headship of the Moghul Emperor struggled against the British rulers to oust them from the country. The Mutiny had been motivated by political factors, no doubt, but it had a cultural aspect also. Conditions, however, changed after the revolt. The collapse of the popular confrontation, incidental on the success of British arms, brought in the liquidation of the then existing feelings of pride and faith in common culture trailed by a spirit of despondence and frustration that permeated the atmosphere of the country and led the people to resign themselves to inaction and fatalism. This was a transitory phase followed by serious thinking by the leadership that emerged thereafter.

Complete political subjugation of the country after the Mutiny brought in a void in the thinking of the then leadership regarding the future due to the frustration that follows failure. There was utter confusion in the country. Under such conditions, the Britishers came in large numbers with trappings of western culture, western ideas of democracy, their own interpretation of nationalism and scientific approach to religion. This had a tremendous impact on the masses. Nationalism had been considered in England to be "a state of mind in which supreme loyalty of the individual is felt to the Nation State." The feelings of love of the soil, attachment to parental traditions and loyalty to established territorial authorities have existed since the dawn of history.

But it was towards the close of the 18th century that nationalism began to be a recognised sentiment in moulding public and private life and one of the great determining factors of history. Its manifestation, however, came earlier in England in the 17th century during the Puritan Revolution and it subsequently emerged as religious nationalism. Nationalism, however, took a secular turn as it spread to North America during the conflict



with Britain, but it came into focus after the French Revolution towards the end of the 18th century. It took a different form in Germany and the rest of Europe after the Napoleonic wars when the 'Nationalism' of Europeans was concerted against France. 'Nationalism' took on different hues during different stages of history and in different places. Nevertheless, it epitomized the feelings of loyalty to some ideal, be it the soil, tradition, religion, language or collectively to one, some or all. This concept began to grow and develop on the Indian soil towards the end of the 19th century and the earlier part of this century.

The impact of western culture with its scientific approach made a dent on the minds of the intelligentsia in India bringing reaction on the minds of the Hindu leadership in its trail. Revivalism had already come to affect Hindu society with the formation of the Brahmo Samaj, which was an expression of the rising mental awakening of the advanced Hindu intelligentsia who had received modern education introduced by the British, and who had come in contact with western democratic thought. The pattern of this revivalism was purely religious. Modern materialism was never an integral part of the nationalist revivalism in India. It was an irony of fate that this nationalist revivalism in India failed to record the name of one single outstanding materialist, agnostic or sceptical philosopher. With the elimination of the Muslim rule and the introduction of the western system of administration with its conception of majority and minority groups in the population, the Hindu majority in the country found a free field for spreading its own ideologies. This is the reason which motivated the Hindu leadership to cast a Nelson's eye on materialism. Even Raja Ram Mohun Roy, the founder of the Brahmo Samaj, despite his rationalistic approach, could not subdue his belief in the divinity and revelation of the Vedas. He was no doubt a leader of the reformist movement which was confined to Hindus alone. He wrote to a friend in 1818 : "I regret to say that the present system of religion adhered to by the Hindus, is not well calculated to promote their political interests. The domination of caste, introducing innumerable divisions and sub-divisions amongst them, has entirely deprived them of patriotic feelings and the loss of purification has totally disqualified them from under-



taking any difficult enterprise. It is, I think, necessary that some change should take place in their religion, at least for the sake of their political advantage and social comfort." This, by itself, indicates that the reformation envisaged political advantage to the Hindus alone which was reflected in Hindu revivalism in the political field. His successors, Debendranath Tagore and Keshub Chandra Sen endeavoured to achieve the same objective in the pursuit of the Brahmo Samaj.

Another aspect of this impact of western education was the development of conscious or subconscious feelings amongst the Hindus about the greatness of their ancient philosophy and culture. Bengali Hindu writers and public men had always spearheaded the social, religious and political movements amongst the Hindus. It was another Bengali Hindu leader, Naba Gopal Mitter, who started organising an annual gathering called the 'Hindu Mela' which brought together different Hindu organisations. The historian R.C. Majumdar states that Naba Gopal Mitter held that "the chief criterion of nationalism is unity.....He maintained that the basis of national unity has been the Hindu religion. He said that Hindu nationality is not confined to Bengal. It embraces all the Hindus throughout the length and breadth of Hindustan; neither geographical position, nor the language is counted a disability. Hindus are destined to be a religious nation." Another Hindu leader, Raj Narain Bose, in the course of his lecture in 1872 said : "I see in my mind the noble and puissant Hindu nation rousing herself after sleep and rushing head long towards progress with divine prowess. I see this rejuvenated nation again illuminating the world by her knowledge, spiritual and cultural, and the glory of the 'Hindu nation' again spreading over the whole world."<sup>3</sup>

This revivalism of the Hindus through the impact of western civilization manifested itself in two ways; firstly, through the emergence of leaders like Raja Ram Mohun Roy, Swami Dayanand, Swami Shraddhanand, Bhai Parmanand, Pandit Madan Mohan Malaviya, Dr. Moonje, Dr. Hedgewear and Mahatma Gandhi who were the exponents of religious, social and political thought and secondly, by the rise of devoted and dedicated

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<sup>3</sup>C. H. Phillips and Meritorial Waragul 'Partition of India, Policies and Prospectives 1935-47' p. 333.



scholars, who carried on the research on Hindu culture and philosophy, namely, R.G. Bhandarkar, Harparshad Sastri, professor Guru Dutt, Birinder Nath Seal, Lekh Raj, Swami Wishudh Nandan, Surendra Das Gupta and Dr. S. Radhakrishnan. These scholars wrote extensively, applauding and justifying Hindu culture, glorifying its past and propagating and projecting it for adoption by the Hindu masses.

According to some commentators, the upsurge and revivalism of Hindu nationalism in the latter part of the 19th century was due to three basic causes:—

- (i) A feeling of pride in the ancient glory of the Hindu culture and tradition, as depicted in the Hindu scriptures; and efforts to dovetail it into modern thought to counter the infiltration of western culture;
- (ii) The assumption that the old Hindu ideology alone could save the country from modern materialism as reflected in western culture and civilization;
- (iii) The emphasis on the individual and joint Hindu family system, rather than on the socialistic trend of the modern age.

The greatest protagonist of this revivalism of the old Hindu ideology was Swami Dayanand, who founded the Arya Samaj at Bombay in 1875 and reorganised it at Lahore the next year. His programme and plans had come to be accepted as the precursor of the national political process of modern Indian thought. He boldly propagated and projected the superiority of Vedic wisdom, and preached for Swaraj in the Vedic sense. He did not support nationalism in the secular sense, but based it on the Vedic scriptures. His enunciation of basic principles of 'Hinduism' or, 'Vedanta', had an appeal for the Hindu masses. He challenged the superiority of hereditary priesthood amongst the Hindus and maintained the right of every individual to study the sacred scriptures. He felt that the lasting success of his mission lay in the removal of the restrictions imposed by the ecclesiastic system in Hindu society through the Vedas. He challenged the authority of the Brahmins whose teachings had become irrelevant. He appealed to the people to study the huge mass of Hindu literature with a view to interpreting the Vedas keeping the ethnological and philosophical considerations in view. Swami Dayanand's approach was revolutionary inas-



much as he sought to loosen the bonds forged by the priesthood for centuries. In fact he was the father of Hindu nationalism. He believed that the predominant Hindu majority alone could fight against the British rule and he expected the Arya Samaj to spearhead the movement against the White intruders. His mission was to rally India against the inroads of Christianity and Islam and to obtain for her the traditional line of thought as divinely ordained in the Vedas. He maintained a deep-seated conviction that the Aryans were the chosen people, the Vedas the chosen gospel, India the chosen land. Upon this fulcrum he wanted India to adhere to her ancient culture, national religion, Vedic principles, national education and national language, Hindi. It was in mirroring Indian's past that the Arya Samaj became a revivalist organisation preventing the encroachments of Christianity and Islam on Hinduism. As a defence mechanism, Dayanand advocated rejuvenation of Hinduism as India's national religion on the doctrine of Vedic infallibility, as the foundation of Hindu society and the Hindu nation. His object was total revival of this national religion by the creation of Hindu consciousness. A foreign writer Hans Kohn has summed up correctly his assessment when he writes : ".....With its radical views, it (the Samaj) sought to bring a new life to India and the Hindu race. As a means to this end it taught that people should study the ancient uncorrupted culture of their race, should turn back to Sanskrit and the Vedas, and it fostered a new type of education in the spirit of traditional discipline..... In its services, the Arya Samaj tried to revive the ancient Vedic ritual. The Brahmo Samaj destroyed the medieval India ruled by Brahmins and created modern India... It was the Arya Samaj which, by reawakening India of the past, did most to pave the way for India of the 20th century."<sup>4</sup>

Dayanand kept the Arya Samaj as a purely non-political religious organisation, yet the Arya Samaj movement after his death established a vast network of educational institutions spreading throughout Northern India. Non-participation in politics was only a mask to enable the Samaj to spread its militant contacts amongst the Hindu masses. A network of

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<sup>4</sup>Hans Kohn, 'Orient and occident,' p. 128.



several institutions was set up throughout the country for this purpose.

Swami Shraddhanand, one of the chief exponents of the Arya Samaj, later pointed out more emphatically, "when, therefore, the Arya Samaj sings the glory of ancient India—the land of expositors of revealed learning, the sacred soil where Vedic institutions flourished and put forth their choicest fruits, the holy country where Vedic philosophy and Vedic metaphysics attained their highest development, the sanctified clime where had lived those who embodied in their conduct the Vedic conception of Vedic ethical teachings, the healthy forces of nationalism received an impetus, and the aspirations of the young nationalists who had persistently dinned into his ear the mournful formula that Indian history recorded the lamentable tale of continuous and uninterrupted humiliation, degradation, forceful subjugation, extermination, exploitation etc., the average man feels that his dormant national pride is aroused and his aspiration stimulated. So patriotism, which is the handmaid of Vedism, is lofty, inspiring, vitalising, unifying, tranquillising, soothing, bracing and exhilarating."<sup>5</sup> It was in this attitude that Hindu nationalism grew and drew its inspiration from different leaders of the religious national movement in the latter half of the 19th and the earlier part of the 20th centuries.

The Ramakrishna Mission, another religious movement, taking its name from Shri Ramakrishna Paramahansa (1836-1886) and inspired by Swami Vivekananda (1863-1902) had also contributed to the revival of Hindu nationalism. Though based on ancient Hindu heritage and ideology, it had distinct features and characteristics of progressive thinking and preached veneration for all religions. The movement certainly extricated itself from the moorings of sectarianism and bigotry and preached the unity of all mankind; but its accent was on the greatness of the Hindu faith, which created a feeling of pride in those that came in contact with it. Swami Vivekananda explained the pith of the mission in his address to Parliament of Religions at Chicago in 1897 wherein he attempted to give Hinduism the status of a world religion and a world force.

Veer Savarkar, President of the All-India Hindu Maha-

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<sup>5</sup>Vishwa Nath Parshad Verma, 'Modern Political Thought'



Sabha was another dynamic leader of the revivalist movement of Hindu nationalism. He identified Hindutva (Hindudom) with Indian nationalism. He believed in the solidarity of the Hindu nation, dedicated himself to Hindu resurrection and stood for the ancient superiority of the Hindus. According to him, "a Hindu patriot worth the name cannot but be an Indian patriot as well. To the Hindus, Hindustan being the father land and holy land, the love for it is boundless." He felt that the Hindus being a homogeneous race must absorb others. He left a legacy of extreme Hindu nationalism which his successors in the Hindu Maha Sabha subsequently followed in letter and spirit. Bhai Parmanand, another Hindu Sabha leader, felt that the Hindus being in the majority must purge themselves of social and moral evils, should go ahead in winning Swaraj and wresting power from the British rulers without the support of the Muslims. He believed that the Muslims were a separate nation, and suggested as far back as 1938 that, "the situation has got two solutions, one is the partition of the country, and the other is to allow a Muslim State to grow within the State." All his life he stood for Hindu nationalism and wielded tremendous influence amongst the Arya Samajist section of the Hindus.

Hedgewear sponsored the Rashtriya Swayam Sewak Sangh movement from which the Jan Sangh sprouted as its political wing with the aim and objective to instil militant discipline amongst Hindus and to inspire in the Hindu youth cultural pride and consciousness of the old Hindu civilization. He opposed the incorporation of Islamic, Christian or Western elements in Hindu society. This organisation found a fertile field in the country in the wake of the spadework of the Arya Samaj, and the Hindu youth were spellbound by the slogan 'Hindi, Hindu, Hindustan'. The ideology of this organization drew the Hindu youth into its embrace, and it viewed the impact of Western culture with revulsion. The proselytizing activity of the Christian missionaries in the lower strata of Hindu society had enthused the Hindu workers to counterpoise it. This organisation along with the Arya Samaj spearheaded Hindu revivalism along religious lines.

Besides these organised national and religious reforms and religio-revivalist movements, individuals of outstanding capabi-



lities and political eminence, such as Bal Gangadhar Tilak, Bipan Chander Pal, Lala Lajpat Rai and Gandhiji, without aligning themselves with any communal or religious movement, contributed to Hindu revivalism from the Congress platform. Tilak, one of the most dynamic personalities of this period, too was a 'Karma Yogi'. Believing that the Hindu masses could only be awakened to action and activity and their inertia and fatalism eliminated by the teachings of the Gita, he embarked on a movement to guide them religiously on to the path of Hindu nationalism. His modus operandi amongst the Hindu masses was celebration of fairs and festivals in the name of Ganpati or Ganesha or in memory of Shivaji, the great Maratha leader. Celebration of such festivals amongst the Marathas on religious lines contributed a great deal towards canalising the national upsurge in this area with the religious colouring. Tilak's own personality added weight to this movement. He was one of the first nationalist leaders in the Indian National Congress who advocated that Hindi in Devanagri script be adopted as the national language of India and be incorporated as part of the educational movement. He desired it to be a link of cohesion in Hindu nationalism; and he forcefully argued for it in 1905 at a conference organised by the Nagri Pracharini Sabha. Earlier, a movement against Urdu had been initiated by Hindu intellectuals and educationalists in Bihar, followed by a part of the Presidency of Bengal. They had unleashed a series of agitations for the removal of Urdu and its replacement by Hindi in Devanagri script. Slowly, the agitation became so formidable that in 1881, Hindi was introduced as a court language in Bihar. The constant cry of the Hindu intellectuals and educationalists was that Urdu was an alien language and it was a 'hybrid production...forced upon by our foreign rulers'. This movement was also a link in the Hindu revivalist movement on the language issue and had its incubated reaction on Muslim fanaticism.

Pandit Madan Mohan Malaviya, another devoted Hindu protagonist and a prominent Congress leader was deeply influenced by the devotional preachings of the Bhagvad Gita and fervently believed in the superiority of Hindu culture and was reluctant to sponsor a concept of integrated nationalism. He, with profound faith in India's ancient culture, propagated and preached nationalism as he understood it in the Hindu sense



from the Congress platform. He could not accept or support a purely materialistic or secular form of nationalism. He was the founder of the Benaras Hindu University and wielded tremendous influence amongst the Hindu masses in Uttar Pradesh. Being a prominent leader of the Congress, he utilised its platform for the revival and rejuvenation of Hindu nationalism.

Lala Lajpat Rai, another political leader of eminence in the Congress organisation, was a staunch Arya Samajist. He also used the Congress platform and organisation to propagate Hindu revivalism. Explaining the stand of the Arya Samaj, he wrote : "There is, of course, no doubt whatever, that the Samaj doctrines have a patriotic side—the Aryan doctrine and the Arya education alike, singing the glories of ancient India, and by so doing arouse the national pride of its disciples, who are made to feel that their country's history is not a tale of continuous humiliation. Patriotism and politics are not synonymous, but the arousing of an interest in national affairs is a natural result of arousing national pride. Moreover, the type of men to whom politics appeals, viz., the educated man, who desires his country's progress, not ultra conservative with the ultra conservatism of the East, but to a greater or lesser extent *rerum novorum empedi et cupiscis*. It is not, therefore, surprising that there are politicians among the Arya Samaj. But it is impossible to deduce from this that the Arya Samaj as a whole is a political body."<sup>6</sup> An Arya Samajist writer in his assessment of the part played by Lala Lajpat Rai in the Hindu revivalism observes : "Lala Lajpat Rai had come to regard the Congress as an anglicised organisation whose leaders cared more for fame and pomp than for the interests of the country. He shared the views of his Arya Samajic friend, Lala Sain Dass and Mahatama Hans Raj who rejected the Congress because they believed that the Congress, having been founded by an Englishman (Mr. Hume) and being an anglicised body, could not be expected to work for India's freedom. Lajpat Rai believed along with them that the Congress had been founded as an innocuous organisation in order to divert the attention of the Indian people from organising a militant movement. The second reason for Lajpat

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<sup>6</sup>Dhanpatti Pandey 'The Arya Samaj and Indian Nationalism' p. 177.



Rai's criticism of the Congress stemmed from his Arya Samaj inspired conviction that the attempts of the Congress to court the co-operation of the Muslims were not only futile but dangerous to the interest of the Hindus. He wanted, along with Mul Raj and Sain Das first to work for Hindu solidarity."<sup>7</sup> No doubt, the Arya Samaj, as a body remained a religious organisation, outside the political arena, but its leaders were the most devoted and educated revivalists of Hindu nationalism as such.

Gandhiji who dominated an era in the Indian national struggle contributed to Hindu revivalism in the religious sense at a crucial and critical stage of Indian history. He professed himself to be a Hindu Sanatanist, believing in the Vedas, Puranas, Upanishads and all that goes by the name of Hindu scriptures. He had also announced that he believed in the protection of the cow in the larger sense. Gandhiji followed the footsteps of Tilak in Hindu rejuvenation. He maintained its continuity by picking up what Tilak had left by organising Hindi prachar, Harijan Seva and advocating cow protection, and giving Hindu names to his movement like Ram Raj and Swaraj.<sup>8</sup>

The irony of development in the 'national consciousness' of Hindu leadership was that even the Theosophic Movement in India, led by Dr. Anne Besant, Madame H.P. Blavasky and Colonel H.S. Olcott, its early founders, despite their claim to universality, became the fervent champions of ancient Hindu ideology. They also gradually developed an exclusivist stance on Hindu religious revivalism. This, by itself, had an impact on the parallel revivalism of the different religious groups in the country. Dr. Anne Besant claimed, "we began with the teachings of unity, with the revival of religion. We passed on to the educational phase and are now striving in a small sense indeed, but still effectively to change the 'lines of national education.'" Her reference was to the establishment of the Hindu college at Benaras by the Theosophic Society of India, about which A.N. Hyderi, then a prominent Muslim leader, commented thus : "Anne Besant's Hindu college at Benaras is the latest example of the tendency and while not for a moment blind to the necessity of providing for the special want of any particular community,

<sup>7</sup>K. P. Karunakaran 'Religious and Political Awakening' p. 85.

<sup>8</sup>Punjabi Suba—'The Story of the Struggle' p. 35-36.



I deprecate the establishment of separate institutions from which members of other communities are excluded." It was in the context of such revivalist movements of the different sections of people, on distinct cultural and religious lines, that M. G. Ranade, the noted savant, scholar and leader of Indian thought, while addressing the 11th Social Conference held at Amraoti, in 1897 said :

"While the new religious sects condemn us for being too orthodox, the extreme orthodox section denounces us as being too revolutionary in our methods. According to these last, our effort should be directed to revive and not reform. I have many friends in this camp of orthodoxy, and their watchword is that revival, and not reform, should be our motto. They advocate to a return to the old ways and appeal to the old authorities and old sections. Here also..... people speak without realising the full significance of their own words. When we are asked to revive our old institutions and customs, people seem to be very much at sea as to what it is, they seem to revive. What particular period of our history is to be taken as the old ? Whether the period of the Vedas, the Smrities or the Puranas or the Mohammadans or modern Hindu times ? Our usages have been changing from time to time by a slow process of growth and in some cases of decay and corruption, and that we cannot stop at a particular period without breaking the continuity of the whole. When my revivalist friend presses his argument upon me, he has to seek recourse to some subterfuge, which really furnishes no reply to the question—what shall be revived ? Shall we revive the old habits of our people, when the most sacred of our castes indulge in all the abominations, as we now understand them of animal food and drink ? Shall we revive the 12 forms of sons, or eight forms of marriages, which included capture and recognised mixed and illegitimate intercourse. ...Shall we revive the internecine wars of the Brahmins and Kshatryas, or the cruel persecution and degradation of the aboriginal population ? ...Shall we revive the custom of many husbands to one wife or of many wives to one husband ? ...Shall we require our Brahmins to cease to be landlords and gentlemen, and turn them to beggars and dependants upon the kind as in olden times ? These instances



will suffice to show that the plan of reviving the ancient usage and customs will not work our salvation and it is not practicable."

It will be noted, however, that Hindu leadership, whether functioning from communal, religious or social platform or from the so-called secular national organisations, was out to adopt, glorify and project the old ideologies and concepts of Hindu culture and civilization clothed and coated in modern garbs. It was in such a context that in a country like India where society is not homogeneous, but is multi-racial, multi-religious and multi-lingual that the impact of such sweep of revivalism in one section of the people had a profound reaction on the other groups of society. It was indeed tragic that it was not realised by the elite that when the country was passing through a transitional stage, the energies of the people as a whole should have been harnessed into the common mainstream of nationalism. The leadership remained blind to this serious aspect of the problem and followed fissiparous and centrifugal policy which created fertile grounds for the incubation of parallel revivalism amongst Muslims and other sections of the people.

The Muslims had been a suzerain class prior to the mutiny of 1857. They were certainly a numerical minority in the country. The turmoil of 1857 was a staggering disaster for the Muslim community as in the eyes of the British rulers, they bore most of the culpability for the upheaval and had to bear the brunt of the reprisals. This included forfeiture of former openings in government services, including the army, and loss of prestige. The erstwhile Muslim rulers, who had thrown off their inertia to redeem the country mortgaged to the white intruders, were reduced to paupery and made hewers of wood and drawers of water. The Muslim nobility aroused with passion and wounded pride for being ousted from the position of the suzerains, developed an attitude of revolt against alien fetters, until they were overwhelmed by them in 1871. The vast patronage of employment and support of the rulers was switched on to the Hindu middle class, particularly, the Bengalis who eagerly took to English education provided by the Company to its employees. The Muslim elite saturated with pride and faith in the glory of their distinct Muslim culture and learning evinced profound dislike for western learning and culture.



There had been several religious movements amongst the Indian Muslims, but the latest was the revival of religious consciousness amongst them generated by Shah Wali-Ulahkhan and his group. This revivalist movement had started when the Sikhs had conquered Northern India and wrested power from the Muslim rulers. This movement was originally designed to oust the Sikhs from power in Punjab and the erstwhile North Western Frontier Province. As a sequel, the three militant reformers, Maulana Sayed Ahmed of Bareilly, disciple of Abdul Aziz and son of Shah Wali Ulah, Maulana Abdul Hai, his son-in-law, and Maulana Mohammed Ismail, his nephew, with the help of the armed forces made a bid to capture power, but were defeated by the Sikhs at Balapur. The movement turned towards religious education and social reforms thereafter, and its followers, comprising a small circle of 'non-conformist' Muslims, lived a simple and austere life, reminiscent of the early days of Islam. The followers of this sect as stated earlier had played an important role in the upheaval of 1857. Influenced directly by the Wali Ulah movement, the religious seminary of Deoband, established about 1867, became the centre of religious revivalism and political confrontation with the British rulers. It was this body with which Maulana Abdul Kalam Azad and other Muslim leaders and Ulemas of the Congress movement were associated subsequently and which remained influential until the partition of the country.

There was, however, a section of Muslims who were distressed at this state of affairs and tried to pull the community out of its pitiful plight. The Muslims, who formed 13.4 per cent of the population, held 45 per cent of the responsible judicial and executive posts in the Company's services in the North-Western Province and Oudh. They were, however, being replaced by Hindus at a fast pace. In other parts of the country, the Hindus dominated in government posts with proportionately larger numbers. In Madras, the Muslims who constituted 6.2 per cent of the population held only .4 per cent of the judicial and executive jobs. In Bombay, with 18.8 per cent in the population, they held only 5.4 per cent of the posts. In Bengal, Bihar and Orissa with 31.3 per cent population, they occupied only 8.5 per cent of government jobs, and in Assam with 26.9 per cent in the population, they held .9 per cent of the judicial and executive



posts.<sup>9</sup> The economic and educational backwardness of the community made its enlightened leadership realise that its future was dark. They saw that the study of English language and western sciences was necessary to enlighten their mind, widen their outlook and help them in coming closer to the British rulers and to secure a substantial share in government services and the liberal professions. Sir Sayed Ahmed Khan worked zealously to extricate his community from the morass of ignorance and founded a Muslim school at Aligarh in 1875. He initiated a movement which came to be known as the 'Aligarh School Movement' with a view to winning the confidence of the British rulers and rehabilitating his community in the administrative set-up of the country. The movement, which initially preached religious liberalism aimed at modernising Muslim social life. It sought the confidence and co-operation of the British rulers with a view to bettering the lot of the Muslim masses. It was purely a reformist movement without any tinge of revivalism or antagonism to any other section of the Indian people. Sir Sayed Ahmed Khan believed in national unity and this was evidenced by his address to Imperial Legislative Council: "In the word 'nation', I include both Hindus and Mohammedans, because this is the one meaning I can attach to it. With me it is not worth considering what is their religious faith, because we do not see anything of it. What we do see is, we inhabit the same land, are subject to the rule of the same Governor, the fountain for benefit for all are the same, and the pangs of famine also we suffer equally. These are the different grounds upon which I call both these races, which inhabit India by one word, i.e. Hindus, meaning to say, that they are.....the inhabitants of Hindustan. While in the Legislative Council, I also 'am anxious for the prosperity of the nation.'"<sup>10</sup>

The political ideas of Sir Sayed Ahmed Khan underwent a sudden and complete change in 1885 when he viewed with suspicion the formation of the Indian National Congress at the instance of some retired British Government Officials. He felt that if the principle of democratic representative government advocated by the Congress was accepted, the Muslims who were fewer in

<sup>9</sup>'Census of India' p. 388.

<sup>10</sup>Ashok Mehta and Achhut Patwardhan 'Communal Triangle in India' p. 200-201.



number and backward in education would be dominated by the majority community. It was at this stage that the Aligarh Institute Gazette, an organ of the Aligarh School Movement, started its campaign against the new ideology, and several organisations like the Central Mohammedan Association of Bengal, the Mohammedan Literary Society of Calcutta, the Anjuman Islamia of Madras and the Mohammedan Central Association in Punjab along with a network of associations sprang up throughout the country in opposition to the Indian National Congress. Sir Sayed Ahmed Khan also laid the foundation of the Indian Patriotic Association with the objective "(a) to publish and circulate pamphlets and other papers for the information of members of Parliament, English journalists and the people of Great Britain to point out the misstatements of the supporters of the Indian National Congress meant to convince the English people that all the nations of India and the Indian Chiefs and rulers agreed with the aims and objectives of the National Congress; (b) to inform members of Parliament and the newspapers of Great Britain and its people by the same means of the opinion of the Mohammedans in general, of the Islamic Anjumans and those Hindus, and their societies which are opposed to the objective of the National Congress; (c) to strive to preserve peace in India and to strengthen the British rule; and to remove these bad feelings from the hearts of the Indian people, which the supporters of the Congress are stirring up throughout the country and by which great dissatisfaction is being raised among the people against the British Government." He also founded the Mohammedan Educational Conference in 1886 of which sessions were held at different centres in India annually; "where Muslim political opinion was disseminated and the sponsors hoped to cover the whole of upper India with a network of societies, committees and individuals, all working harmoniously in the great cause, so that a big evil may be dealt with by a strong remedy and by the vigorous work of one generation, the tide of misfortune may be turned and the Mohammedan nation may be set moving on the tide of progress abreast of all other nations of India."

Yet, Sir Sayed Ahmed Khan formed another association under the name of Anglo-Oriental Defence Association, a political body to discuss the political situation of Muslims with the



stated objective : "With the press pouring out a steam of political propaganda by which our young men will be drawn into the current to support or oppose the measures proposed, I think it will be a mistake to leave them without guidance." All these steps and measures were taken by the Muslim leadership headed by Sir Sayed to emphasize and impress on the Muslim masses that they were a separate nation and people with the accent that "one meaning of the representative government is that it was the rule of the majority over the minority, i.e., the Muslims."

The Ahmediya Movement founded by Mirza Gulam Ahmed (1839-1909) was also a revivalist movement of Muslims of a different category inasmuch as it was a protest movement directed against Christian missionaries and western culture. Though it contained some liberal ideas and reform which invited opposition from orthodox Muslims, yet it had a greater tinge of revivalism, and had the characteristics to give it an international colour. The summing up of the career of the founder of the movement by one of his disciples, correctly depicts the characteristics of the movement. M. Ali wrote : "Thus ended in eventful life, which in the short space of 18 years (1890-1908) not only had revolutionalised many of the existing religious ideas, but had even taken definite steps in an entirely new direction—the preservation of Islam, and the spiritual conquest of the West. Deep religious mysteries, which had baffled human minds for centuries had been unravelled. The second advent of Christ, the tribulations of anti-Christ, the prevalence of God and Megog, the coming of the Mehdi and similar other topics were mysteries which affected the two great religions of the world, Christianity and Islam, both contending for the mystery of the world; and an inspired man was indeed needed to lift the veil from the face of these mysteries. Such a man was Mirza Ghulam Ahmed. He was gifted not only with inspiration to elucidate the deepest mysteries, but also with the faith and energy which enabled him to give a new direction to the dissemination of Islam which had hitherto found the West deaf to its message. Christianity was out to conquer the Muslim world in temporal matters. It had ousted Islam, but in the spiritual domain, Mirza Gulam Ahmed made a bold start and gave a challenge to Christianity in its very home. It is as a result of that challenge that mosques are being built in the great centres of



Christianity, that a vital change is being brought about in the attitude of Europe towards Islam, and that thousands of cultured and advanced Europeans are finding a haven of peace under its banner.”

The movement of religious revivalism amongst the Muslims at such a period got a further incentive when the Hindus opposed the partition of Bengal brought about by Lord Curzon, the then Viceroy of India. In fact, Lord Curzon proposed readjustment of the boundaries of different provinces to effect administrative efficiency. He felt that Bengal was too large a province to be governed as a single administrative unit. But when he found the Hindu opposition gathering strength, he sought Muslim support, and said while addressing a gathering of Muslims at the Ahsan Manzil, the palace of the Nawab of Dacca, “I am giving you a Muslim province.” The partition was considered by the politically conscious Bengalis as a division of the Bengali nation in order to weaken it and they took up the issue with such energy that it proved an event with most powerful incentive to political consciousness and was a signal for a most extensive and intensive agitation on the part of the people and an equally intensive suppression on the part of the Government. Processions, meetings and demonstrations and hartals were organised.<sup>11</sup> The movement was responsible for spreading the wave of the boycott of British goods as a part of the Swadeshi movement. It was, as the result of this agitation, that patriots like Lala Lajpat Rai and Sardar Ajit Singh were deported to Burma.

There were certainly two outcomes of this agitation, undertaken with such vehemence and vigour as it shook the entire country. Firstly, it appeared as unprecedented national regeneration since the mutiny, but in reality it was Hindu rejuvenation which succeeded in revoking the partition. This instilled amongst the Hindus a sense of unity. The Muslims, however, took an opposite view of the partition as a design to keep them down and this awakened in them a new urge to find measures to protect their interests. It was under such circumstances that a Muslim deputation, sponsored by Nawab Mohsin-ul-Haq and headed by Sir Agha Khan, met the Viceroy at Simla on October 1, 1906 and represented, that in view of the intention of the

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<sup>11</sup>Sita Rammayya ‘History of the Congress’ p. 68.



Government to enlarge the scope of election and representation, the Muslim rights and interests should be safeguarded, and that the importance and entity of the Muslims in the administrative and political set-up should be recognised. The deputationists emphasised the status of Muslims in politics and their historical role. They also sought separate representation on the basis of communal and religious distinction, expressing their apprehension that if this was not done "the future of the Muslim nation would be entrusted to an organisation, which was not in sympathy with the Muslims." The deputation was a "command performance", the Viceroy replied thus : "but I am as firmly convinced as I believe you to be, that any electoral representation in India would be doomed to be a dismal failure, which aimed at granting a personal enfranchisement regardless of the beliefs and tradition of the communities composing the population of this continent." This, indeed, was an incentive to religious revivalism.

The Muslims therefore thought of having a political organisation of an all-India character to safeguard their interests. It was resolved at a meeting at Dacca on December 30, 1906, presided by Nawab Viqar-ul-Haq, that a political association under the name, 'All India Muslim League', should be established. This proposal was then strenuously supported by Hakim Ajmal Khan of Delhi, a pronounced Congressman. The first meeting took place at Karachi on December 29, 1907, with Sir Adamji Peerbhoy as chairman. The main aim of the League was an independent and separate Muslim existence, both in the religious and political spheres. The Muslim deputation at Simla had already supported the partition of Bengal and deprecated the agitation and boycotted it. It was, thereafter, the All-India Muslim League, which in its extraordinary meeting passed a resolution expressing grave anxiety over the anti-partition movement and hoped that the Government would adopt a steadfast and firm stand. It announced that any modification in the partition plan would result in feelings of grave injustice to Muslims throughout the length and breadth of India.

Subsequently, reunion of Bengal was announced in 1911. This had serious repercussions on the Muslims. Their leader, Nawab Mushtaq Hussain declared, "So far as Muslims are concerned, it may be understood to be the consensus of opinion



that the reunion is generally disliked. In the face of the assurance repeatedly given by the successive ministers of the Crown as to the partition being a settled fact, the amalgamation betrays the weakness of the Government and will in future be regarded as one of the reasons for placing no trust in its utterances and actions."

Political consciousness inspired by religious revivalism steadily grew amongst the Indian Muslims from 1912 onwards. The Muslims espoused a universal fraternity. Global events brought in a way resurgence in the Indian Muslims. The brutality with which Russia treated Persia before 1911, the apparently unprovoked attack by Italy upon Turkish positions in Tripoli, and above all, the life and death struggle between the leading Islamic power, Turkey and four Christian States of Eastern Europe in the Balkans, considerably inflamed the already segregated Muslim population in India. When the First World War broke out amidst such political conditions, with Turkey becoming an ally of Germany against Britain, the Muslims of India found themselves on the horns of a dilemma. Turkey was the only independent State enjoying the spiritual pride of being the guardian and protector of the holy places of Mecca and Medina. Turkey was considered to be the doyen of all Muslim States, and the Muslims of the world considered the Sultan as their spiritual Khalifa. The defeat of Turkey at the hands of Britain and the abolition of Khilafat (Caliphate) gave rise to the Khilafat Movement. It was then that Gandhiji announced : "We both have an opportunity of a life time. The Khilafat question will not recur for another hundred years. If the Hindus want to cultivate eternal friendship with the Muslims, they must perish with them in the attempt to vindicate the honour of Islam." It was in such circumstances that Gandhiji supported the Khilafat Movement with all the force at his command and it was in such conditions that the Muslim League came nearer to the National Congress.

The forces behind the Hindu-Muslim rapprochement were developing and the joint Congress League session at Bombay in 1915 was a high water mark of this rapprochement. Both the organisations constituted sub-committees to find and formulate the basis of unity. The result was the well known Lucknow Pact of 1916 which was the basis of the Montague Chelmsford



Reforms of 1919. The tragic aspect of the pact and the subsequent constitutional reform was the acceptance by the Congress of the principle of separate electorate hinged on religious revivalism.

The Khilafat Movement continued and the fact that it was extra territorial in its intent and objective was apparent from the resolution that was adopted by its conference in 1921. The text of the resolution was : "This meeting of the All-India Khilafat Conference declares allegiance of the Muslim population to His Majesty, the Sultan of Turkey, the Commander of the Faithful and gives him an assurance that they would not rest content until they had secured complete fulfilment of the Khilafat demand...."

"This meeting of the All-India Khilafat Conference declares that so long as the demand of the Indian Muslims regarding the integrity of the Khilafat and the preservation of the sanctity of the Jazirat-ul-Arab and other holy places which are based upon the religious canons are not fulfilled, neither shall they rest in peace nor shall they leave it to the enemies of Islam; that the entire provinces of Thrace and Smyrna shall form the indissoluble components of the territories of the Turkish Sultan as they used to be before the War and to no part of these shall Muslims tolerate the influence and interference of Greek or any other power. The Muslims shall never agree to the conditions the allies shall wish to impose upon the Turkish Government or on its military, naval and air forces, or in connection with the financial, economic or judicial administration as that would tend to interfere with a complete independence of the Khilafat and the Sultanate. This conference calls upon the local committees to make fresh declarations to the above effect so that no doubt be left as to the religious obligations of the Muslims."

"Whereas Mesopotamia contains holy places such as the Burial place of the descendants of the Prophet and the holy saints and it is in addition an integral part of the Jazir-ul-Arab, the influence, residence or entrance of non-Muslim nations without the authority of the Islamic powers is not permissible by religion, and in case of colonisation of the above character comes out, it would be in conflict with their Holy Shariat. The Muslims are convinced that America would take advantage of their nearness to the holy places and revive their old enmities



towards Islam. This conference, therefore demands that the above country be immediately vacated..." The text of the resolution is indicative of the prevalent temper of the Muslims of India towards extra-territorial loyalty and religious revivalism, which was being supported zealously by Gandhiji and the Indian National Congress. This naturally strengthened and accentuated the religious feelings amongst the Muslims.

The unity and rapprochement symbolised by the Lucknow Pact proved transitory and illusory in the absence of a sound basis, both political and economic. It was barely appreciated that the Muslim revivalism was partly a reaction to Hindu revivalism with a view to safeguarding their political, social and religious interests, and partly it was the distorted and ugly expression of the large scale economic discontent amongst the Muslim masses due to exploitation by capitalists and landlords, mostly Hindus. The economically weaker Muslim upper class, as a counterpoise to their Hindu counterparts, lent a religious colour to the economic discontent of the Muslim masses and, thus, the religious revivalism of the Muslims was taking a political shape. The artificial unity soon disappeared when the Treaty of Lausanne settled, once for all, the fate of Turkey and the Khilafat. The Muslims of India openly adopted a separatist political programme of Muslim consolidation. Maulana Mohammad Ali and Maulana Shaukat Ali, the confidants of Gandhiji, became the most zealous and energetic exponents of Pan-Islamism, and this gave incentive to the resurgence amongst the Muslims. Gandhiji's support to such a movement did not contribute even remotely to the bringing together of the Hindus and the Muslims in the political field. His support only consolidated and reinforced the religious revivalism amongst the Muslims.

Jinnah, who was one of the most advanced and liberal leaders amongst the Muslims and who for a long time espoused the nationalist viewpoint, parted company with the Congress at this stage. He was at one time opposed to the system of communal electorate and it was he who had sponsored the resolution for its abolition at the 25th sessions of the Congress. The resolution read : "While recognising the necessity of providing for a fair and adequate representation in the Legislative Council for the Mohammedans and other communities where they are in minority, the Congress disapproves the regulations pro-



mulgated last year to carry out this subject by means of separate electorate and in particular, urges upon the government for justice and expediency of modifying the regulations framed under the Indian Council's Act of 1909, before another election comes....." He contributed most to the rapprochement of the Muslim League with the National Congress resulting in the Lucknow Pact.

The Nagpur Session of the Indian National Congress, in December, 1920 was the parting of the ways between Gandhiji, the dominant leader of the Congress, and Jinnah, then known as an ambassador of unity. It was during this session that Gandhiji got the Non-Cooperation movement accepted by the Indian National Congress. Jinnah vehemently opposed it and announced his reasons later, when he said, "that he was convinced in his mind that the programme of Mahatma Gandhi.....was taking them into a wrong channel." It was, thereafter, that Jinnah joined the Muslim League whole-heartedly by assuming the leadership for many long years to come. In the words of one biographer, "thereafter, Jinnah repeated the performance of Sir Sayed. He created himself like a high and a strong wall..... On the side of this wall, reorganisation work took shape, and soon the Mussalmans, under the green crescent, banner of Islam, fresh in their enthusiasm and happy with their new found faith, were up against all odds."

Durga Das, an eminent journalist in his recent book, *'India from Curzon to Nehru and After'* aptly describes the circumstances leading to Jinnah's backing out of the Congress. He writes, "Jinnah particularly deplored the Khilafat agitation, which had brought the reactionary Mullah element to the surface. He was amazed, that the Hindu leaders had not realised that this movement would encourage the Pan-Islamic sentiment that the Sultan of Turkey was encouraging to buttress his tottering empire and dilute the nationalism of the Indian Muslims. He recalled how Tilak and he had laboured to produce the Lucknow Pact and bring the Congress and the League together on a common political platform. The British were playing a nefarious game in bypassing the pact and making it appear that the Muslim could always hope for a better deal from them than from the Congress" Jinnah concluded "well, I shall wait and watch developments, but as matters stand I have no place in Gandhi's



Congress.”<sup>12</sup>

The rapprochement between the two major communities in 1916 on the basis of the Lucknow Pact had encouraged the Indian National Congress to accept the challenge thrown by the then Secretary of State for India. It decided to draw out an agreed constitution under the ‘Nehru Committee’ with Pandit Motilal Nehru as its Chairman with two Muslim members—Ali Imam and Pradhan Shauib Qureshi. The Committee submitted its report, known as the Nehru Committee Report, discarding both separate electorates and reservation of seats for minorities. It, however, conceded most of the other Muslim demands which provided for equal status for the North-West Frontier Province and Baluchistan, separation of Sindh and the provision of fundamental rights. The report, however, raised a storm of protest from the All-India Muslim League Committee which under the leadership of Jinnah demanded certain amendments. The three main amendments were :

That Muslims should be given one third representation in the Central Legislature;

That Punjab and Bengal should have Muslim representation on population basis for ten years, subject to revision after that period;

That the residuary powers should be vested in the provincial legislature and not in the Centre;

The welcome feature of the suggested amendments was that they accepted the principle of joint electorates with reservation of seats. This could have been made the basis of common nationhood, but these proposals were brushed aside by the All Parties Conference dominated by the Congress at Lucknow. Possibly, the acceptance of the amendments might have changed the course of Indian History.

With the onset of the political era under the Montague Chelmsford reforms, the conflicts between the two communities became more extensive. There were a series of riots starting with a reaction at Maligaon in Nasik district in 1921, followed by the notorious Moplah riots the same year. There was a serious riot at Multan in 1922 followed by about 20 Hindu-Muslim riots all over India, of which the more serious were at

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<sup>12</sup>Durga Das ‘India from Curzon to Nehru and after’ p. 77.



Amritsar, Lahore and some other places the same year. In 1924, Allahabad, Calcutta, Delhi, Gulbarg, Jabalpur, Kohat, Lucknow, Nagpur, Shahjahanpur were the centres of serious rioting. There were again savage riots at Calcutta in 1925 followed by other riots at Delhi, Patna and Rawalpindi in 1926. There were 17 Hindu-Muslim riots in 1927 in different parts of the country. In 1928 riots took place at Bangalore, Surat, Nasik, Hyderabad and Kulipaligaon. Bombay witnessed a serious riot in 1929, followed by a still more serious one in 1930. The decade preceeding the first Round Table Conference in London was the era when the two communities were almost in a state of civil war. Each community was treading during the nineteen-thirties the path of religious and political revivalism leading to the conception and growth of the two-nation theory which culminated, two decades later, in the partition of the sub-continent into two separate countries, Hindu India and Islamic Pakistan.

The Indian Statutory Commission, popularly known as the Simon Commission, composed of British members, extensively toured the country in 1928 with the objective to enquire into the "working of the system of government, the growth of education, and the development of representative institutions in British India and matters connected therewith, and the Commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government...." The Commission was boycotted by the Indian National Congress. The All-India Muslim League, however, was divided on the issue of non-cooperation, one section under Jinnah which held its session under the chairmanship of Mohammad Shafi at Lahore offered full cooperation to the Simon Commission. These events, however, aroused political controversies in the country along communal and religious lines which further accentuated the already bitter relations between the two communities.

The first Round Table Conference was a natural outcome of the report of the Simon Commission, where representatives of major communities in India and leaders of public opinion were summoned to London. The Round Table Conference was boycotted by the Indian National Congress in view of the Independence resolution passed at its Lahore session in 1929. The Muslims, on the contrary supported both the Round Table



Conferences and the All-India Khilafat Conference, once ally of the National Congress in its sitting on December 31, 1929, "welcomed the announcement regarding the Round Table Conference and trusted that the Mussalmans will avail themselves of this opportunity of venting their view-point."

The first session of the Round Table Conference did not bring about any tangible results for the reasons adumbrated by Jinnah: "I maintain that Hindu-Muslim settlement is a condition precedent.... before any constitution can be completed by the Government of India, and I maintain that unless you provide safeguards for the Mussalmans that will give them a complete sense of security and a feeling of confidence in the future constitution of the Government of India, and unless you secure their co-operation and willing consent, no constitution will work for 24 hours." The conference at its final plenary session brought about the acceptance of the Muslim claim of 'adequate safeguards', to be incorporated in the future Constitution of India.

The Second Round Table Conference attended by Gandhiji as the sole representative of the Indian National Congress, following the Gandhi-Irwin pact of 1931, did not improve matters either, as the two committees—the Minorities Sub-Committee and the Federal Structure Sub-Committee did not succeed in bringing about an agreement. Gandhiji was a member on both the Committees. He, announcing his failure stated: "Mr. Prime Minister and friends, it is with deep sorrow and deeper humiliation that I have to announce utter failure on my part to secure an agreed solution of the communal question....." This made the Minorities Committee to act in accordance with the suggestion in its second report, "that the British government should settle the dispute on its own authority." Thus the Prime Minister of England, Mr. Ramsay Macdonald, played the role of an arbitrator and announced the Communal Award which formed the basis of the Government of India Act, 1935. Thus the seeds of religious revivalism sown at the time of the Lucknow Pact by the National Congress soon sprouted to full size by the acceptance of the Two-nation theory. The Federal Structure Sub-Committee did not proceed further on the plea that it had yet to secure the views of the Muslim members, "who reserved their opinions on such a



question until such time as a satisfactory solution had been found of the problem which confronted the minority committee." The Muslims had succeeded in attaining their objective viz., their distinct entity by acceptance of the communal electorate in the Government of India Act 1935, and this very acceptance postulated and provided their recognition as a distinct people, different in culture and religion. Poet Iqbal and Maulana Mohammad Ali's concept of Muslim society was taking shape. Both were exponents of Quranic revival and Pan-Islamism. Iqbal was a champion of territorial adjustment on cultural and religious basis, as he observed in 1930 at the Muslim League Conference at Allahabad, "I would like to see the Punjab, North West Frontier Province, Sind and Baluchistan amalgamated into one State, self governed within the British Empire or without the British Empire. The formation of a North West consolidated Indian Muslim state appears to me to be the final destiny of the Muslims at least of Northern India." He expounded the guideline for Muslims that "the life of Islam as a cultural force in the country very largely depends on its concentration in a specific territory." Therefore, his appeal to the Muslims was, "if today you focus your vision on Islam and seek inspiration from the ever vitalising idea embodied in it, you will be only reassembling your scattered forces, regaining your lost territory and thereby saving yourself from destruction." Even more important indication of the religious revivalism was the Poet's appeal to the Muslims saying, "in the words of the Quran, hold fast to yourself, no one on the earth can hurt you provided you are well-guided."

The manifesto of the Muslim League for the elections held in 1937 was also on the pattern of the revivalist movement. The manifesto stated, "the League appeals to the Mussalmans that they must not permit themselves to be exploited on economic or any other ground which will weaken up the solidarity of the community, not only to protect and promote the Urdu language and script but separate Muslim people as such." The election of 1937 under the Government of India Act, 1935 was, however, a severe blow to the League ideology as the Congress secured a commanding position in Bengal, Assam and North West Frontier Province. The Unionist party comprising representatives



of the peasantry Hindu, Muslims, and Sikhs—came into power in Punjab. The Muslim League was, however, successful in the United Provinces where it secured 29 out of 36 Muslim seats. They suggested the formation of a coalition ministry, which in fact would have paved the way for a future set up of the country, but this offer was arbitrarily turned down by Congress leadership. The reaction of the Muslims is aptly described by Ian Stephens, a noted writer, in his book 'Pakistan': "The immediate effect of this (rejection of the coalition) on the Muslim mind throughout India was a lightning flash. What had before been a guess at, now leapt forth in horridly clear-cut Lines. The Congress, a Hindu dominated body, was bent on the eventual absorption of the Muslims. Western style majority rule in the undivided sub-continent would only mean the smaller community being swallowed by a larger, as Sir Syed Ahmed Khan had long ago pointed out ...."<sup>13</sup> Maulana Azad also considered this to be a big mistake in his book, 'India Wins Freedom', when he wrote, "if the United Province League's offer of co-operation had been accepted the Muslim party would, for all practical purposes have merged in the Congress. Jawaharlal's action gave the Muslim League in U.P. a new lease of life...Mr. Jinnah took full advantage of the situation and started an offensive which ultimately led to Pakistan."<sup>14</sup>

It was only after this episode that Jinnah was on war path and he announced in an article in *Time and Tide* in early February 1940, "that there are in India two nations who must share the governance of their common motherland." The die had been cast. Religious revivalism had reached a stage where the Muslim demand for separate State had to be accepted, and in the words of a Hindu writer, "the Lahore Resolution was the highest culmination of Muslim inspiration roused by leaders from Sayed Ahmed's time. But it was never put so boldly as in 1940. It was vehemently criticised by organisations and individuals on several grounds and some believed it to be a practical impossibility but its author knew that it would one day be a reality ; and those who had statesmanship and political imagination understood the danger lurking behind a demand of this character.

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<sup>13</sup>Ian Stephens 'Pakistan' p. 76.

<sup>14</sup>Maulana A. K. Azad 'India Wins Freedom' p. 91.



It gave the League a new ambition and a new programme. A renewed stress was laid on the two-nation theory and communal differences were exaggerated with redoubled energy."<sup>15</sup> Such was the posture of the Muslims on the eve of partition.

Abid Hussain, a notable Muslim writer in his book, *'The Destiny of Indian Muslim'* categorises the different movements of the Muslims' extending from the start of the Aligarh Movement in 1865 to 1930 as Secular Communalism, Religious Nationalism, and Secular Nationalism. He calls Sir Sayed's mission as Secular Communalism as he did treat India as one nation seeking at the same time to bring the Muslims at par with Hindus educationally, politically, socially and economically. However, the period between the birth of the Muslim League in 1906 and the Lucknow Pact in 1916 was of Religious Nationalism. Thereafter, it was one of revival of Secular Nationalism for, the Muslims sought settlement with the Hindus under the leadership of Maulana Abul Kalam Azad whose dream of 'marshalling Muslims to stand by the side of Hindus and others to fight the battle of freedom was now being realised'. This period of secular Nationalism petered out as a sequel to a conference of different shades of Muslims held at Delhi in March 1929 under the presidentship of Jinnah, which proposed joint electorates with a number of safeguards for the Muslims. The Nehru Committee report was at variance with the recommendations of the Delhi Muslims Conference and suggested a fresh probe of the communal problem. The acceptance of the Nehru Report by the All Parties Conference at Calcutta was a severe blow to the nationalist movement amongst the Muslims. The period from 1930 to 1947 was one of humming and hawing amongst Muslims who eventually veered around the League's ideology of separation which culminated in the two nation theory followed ultimately by the partition of the country. Abid Hussain holds the view that the partition of the country would not have been necessary if the Congress had dittoed the Delhi proposal of 1929.

The Sikhs too felt the impact of these waves of revivalism. The Sikh religion during its inception and growth was considered to be a synthesis of Hinduism and Islam, but in its basic con-

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<sup>15</sup>Lal Bahadur 'The Muslim League' p. 269.



cept is not far away from Islam. Sikhs have social affinities with Hindus, no doubt. Because of such social affinities, Hindu priests at places inducted their rituals in Sikh places of worship. With the disintegration of Sikh political power, the Hindu priesthood found opportunity to rehabilitate themselves in Sikh places of religious worship and began to guide the Sikh ceremonies and rites. The old simplicity preached by the Gurus had come to be warped by Hindu complexities and rituals and the idols of Hindu deities had come to be installed in most of the Sikh religious places. Besides, with the conquest and annexation of Punjab by the British, the Christian missionaries spread out a network of centres throughout Punjab and embarked on their proselytising activities. The conversion of Maharaja Dalip Singh to Christianity in England led to the Sikh aristocracy being drawn into what they called liberal views and they deviated from the Sikh path. The conversion of a member of the Kapurthala royal family helped the spread of Christianity amongst the Sikhs.

It was in this situation that the Singh Sabha Movement was initiated by the Sikh intelligentsia with the main objective of "restoration of Sikh rituals and elimination of other religious practices", and "propagation of Sikh religion as directed by the Sikh Gurus." It was thereafter that it was felt that a socio-political organisation was needed to take up the cause of the Sikhs in the political field. In pursuit of this belief, the Chief Khalsa Dewan was formed in Lahore in 1887. In fact, the Chief Khalsa Dewan was the first organisation which had in its programme not only revival of the Sikh way of life and removal of social evils, but also voicing of political grievances of the community. The Singh Sabha Movement not only covered the entire Punjab with its large number of institutions, but also started sending missionaries outside the State.

The Namdhari movement was another revivalist movement founded by Bhai Ram Singh who had at one time served in the Sikh Army, but resigned after the defeat of the Sikhs in the first Sikh War in 1847. He initiated a movement laying emphasis on faith in one God, adoption of simplicity and austerity in life and ceremonies, elimination of idol worship and Hindu rituals from the Sikh religious places. The movement had a political aspect too. It preached boycott of British courts, British postal



system, foreign cloth and advocated non-cooperation with all that was British. It was a movement parallel to the Wahabi movement amongst the Muslims, except that it was not militant. The British rulers, who were in quest of means to suppress this movement, used a small incident at Malerkotla as an alibi and 48 followers of Bhai Ram Singh were blown off by cannon on January 17, 1874 at Jamalpur and another 13 were butchered in the same manner the next day. Bhai Ram Singh was exiled and interned at Rangoon.

The Nirankari, another reformist movement, purely religious in character, also protested against the introduction of Hindu religious practices in the Sikh places of worship. This movement preached oneness of God, elimination of Hindu ritualism and the restoration of austerity and simplicity. These two movements, Nirankari and Namdhari, led to religious revivalism in the Sikh community. The cumulative effect of these reformist movements in the later part of the last century produced political consciousness which made the dynamic Sikh people explore new avenues for the economic betterment of their community. It was in pursuit of this ambition that many of the Sikhs migrated to the U.S.A. and Canada in the early part of this century. The well known Kamagatamaru incident related to a chartered ship carrying 370 passengers including 351 Sikhs was not allowed to land at Vancouver in Canada and was forced to return to Calcutta where it was surrounded by the police. When the passengers alighted, they were shot and many were killed. This sparked off a wave of hostility amongst the Sikhs against the British. As an aftermath, they started the Ghaddar movement in the U.S.A. and Canada. This revivalism of the Sikhs further awakened and aroused the political consciousness of the peasantry leading to the Babar Akali movement, a violent upsurge amongst the peasantry.

These successive movements of the Sikhs naturally brought about a desire among them for bringing important historical religious places which were in the hands of mahants and Hindu priests, under the collective control of the community, and utilisation of their funds for its benefit. This led to the Gurdwara Reform Movement which was a struggle for wresting management of these holy places from the mahants. It culminated in the formation in 1921 of the Shiromani Akali Dal, a purely



political body of the Sikhs. The Shiromani Akali Dal, a progressive party, remained an ally of the Indian National Congress through thick and thin during the National struggle, and fought the election of 1937 jointly. The Shiromani Akali Dal parted company with the Congress in 1940 when it found the latter was inclined to accept partition of the country. The conditions prevailing before partition compelled the leadership of the Shiromani Akali Dal to claim adequate safeguards for the safety and security of the community in any future set-up of the country. The religious revivalism of the Sikhs was, at no stage, in conflict with the national interest. The attainment of freedom for the country throughout remained the sheet-anchor of the Shiromani Akali Dal.

The revivalism in the depressed classes of the Hindu society was of equal significance. Such revivalism may not be termed as religious for, the depressed classes were considered to be part and parcel of the Hindu social order or culture; yet their revivalism was as important as that of the Sikhs and Muslims, for ultimately in the fifties of this century it led to their breaking away in large numbers from the Hindu fold and embracing Buddhism. The re-entry of Buddhism into the country has been, in fact, inaugurated by the move of the leadership of the depressed classes to discard the chains of this Hindu stronghold. This was almost the same two-nation theory eventually accepted by the Hindus and Muslims. The cause of the split in the Hindu society, however, remains a matter of detailed investigation on the part of historians.

The depressed classes or out-castes are known by varied appellations in different parts of the country. They are called out-castes, untouchables, Pariahs, Panchamas, Shudras, Avarnas, Antyaja, nava-shudras and so on, depending upon the region they inhabit. They comprise about one-fifth of the Hindu population. Their origin has not yet been deciphered but it is commonly believed to be an outcome of the perverted interpretation of the caste system. The Hindu society at the time of the Vedas did not seem to have low castes. The Varnas were determined by the specific professions adopted by particular classes. It seems, however, that this was subsequently given a religious sanction by the *Smiritis*, mainly by *Manu Smriti*, which split the Hindu society into different castes analogous to water-



tight compartments. There are different versions given to the development of this system. Some writers are of the view that the untouchables were aborigines of India, the original population whom the Aryans precluded from society by adopting the caste system. Another version is that they broke away from their parent faith, adopted Buddhism, took to beef eating and as such were ostracised from Hindu society and became untouchables or outcastes. The Brahmin view, however, is quite different. It asserts that Hindu Varnas in society derive authority from *Purusha Sukta* with *Chattur Varna* possessing divine sanction. It is the ideal of the Hindu society wherein the Indo-Aryan community was moulded in its early and fluid state. The social order prescribed by *Purusha Sukta* had never been questioned by anyone except the Buddha and Guru Nanak. The Buddha was not able to shake it off but Guru Nanak and the nine Gurus following him were able to bring about revolutionary changes in the Hindu society. This version of the *Purusha Sukta* is taken from the following passage of Vedas: "Brahmin was his mouth. The Kashatriya formed his arms, the Vaishyas his thighs, the Shudras were born from his feet." The passage following it declared that a Shudra shall not receive the sacraments. The Hindu law-givers repeated the theme of the *Purusha Sukta* and reiterated its sanctity. Manu, the architect of the Hindu law, laid at rest all doubts by enumerating afresh the ideal of *Purusha Sukta* as divine injunction by declaring, "for the prosperity of the worlds, he (the creator) from his mouth, arms, thighs and feet created the Brahmin, Kashatriya, Vaishya and the Shudra."

Western writers, however, accept the version that the Shudras were the aborigines at the time of the conquest of the country by the Aryans. The natives of India were known as Dasas and Dasyus who were racially different from the Aryans, the latter being of the white complexion while the former were dark in complexion. The Aryans conquered the Dasas and Dasyus, enslaved them and called them Shudras. The word 'Shudra' is said to be derived from Shu (sorrow) and dra (overcome) implies overcome by sorrow.

According to Dr. Ambedkar, who had laboriously delved into the origin of the Shudras in his book, '*Who were the Shudras*', states they were a tribe or clan and it is not a derivative word as



is sought to be made out. The conclusion of Dr. Ambedkar in his thesis on the subject is :

“(a) The Shudras were one of the Aryan communities of the solar race; (b) The Shudras ranked as the Kshatriya Varna in the Indo-Aryan Society; (c) There was a time when the Aryan Society recognised only three Varnas, namely Brahmins, Kshatriyas and Vaishyas. The Shudras were not a separate Varna but a part of the Kshatriya Varna; (d) There was a continuous feud between the Shudra kings and the Brahmins in which the Brahmins were subjected to many tyrannies and indignities; (e) As a result of the hatred towards the Shudras due to their tyrannies and oppression, the Brahmins refused to invest the Shudras with the sacred thread; (f) Owing to the loss of the sacred thread the Shudras became socially degraded, fell below the rank of the Vaishyas and came to form the fourth Varna.”<sup>16</sup>

But whatever may be their origin, the admitted fact is that this disruption in the Hindu society went unchallenged for centuries and came to be recognised as part of the Hindu social order. The result was that the social disabilities from which these people suffered multiplied. “Their touch, shadow and even voice were deemed by Caste Hindus to be symbol of pollution. So degraded was this unfortunate class that they had to clear the way at the approach of the Caste Hindus. They were forbidden from keeping certain domestic animals and use of certain metals for ornaments and were obliged to wear a special kind of dress, eat a particular type of food and use a distinct pattern of footwear. They were also forced to cohabit in the squalor of dingy and unhygienic suburbs of hamlets and towns where they subsisted in dark, insanitary and soiled smoky, slum like hovels.” They worshipped the Hindu gods, recited the same Mantras, followed the same rituals, and yet they were not permitted entry into Hindu temples.

Despite the impact of the Western culture on the Hindu social system no attention was paid to the untouchables. The attitude of the British was neutral for they did not interfere in the social system of the Hindus. This was interpreted at that time as pursuit of the policy of encouraging the Christian mis-

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<sup>16</sup>Dr. Ambedkar 'Who were Shudras' p. 230.



sionaries to take up the cause of education of the lower classes for conversion to Christianity. The work of the Christian missionaries amongst the lower classes of the Hindus engendered reaction and the Arya Samaj took up counter missionary work with its programme of ushering equality among Hindus. Its activities were, however, confined to the northern region and Gujarat in the western zone. The Indian National Congress was conscious of the existence of the depressed classes but, being wedded to constitutional agitation only, did not pay much attention to them.

The work of uplifting these classes was limited to individual efforts until 1917, when the first concrete step was taken by the depressed classes themselves in having a conference under the presidentship of Sir Narain Ganesh Chandavakar at Bombay to examine the Lucknow Pact. Resolutions were passed there drawing the attention of the people of India to the deplorable condition of the depressed classes, "praying that the British government be so gracious as to protect their interests by granting to those classes (depressed) the right to elect their own representatives to the said councils in proportion to their numbers." By another resolution the conference authorised the chairman to request the Indian National Congress to pass a distinct and separate resolution, "declaring to the people of India, at large, the necessity, justice and righteousness of removing all disabilities imposed.....These disabilities, social in origin, amount in law and in practice to political disabilities and as such fall legitimately within the political mission and propaganda of the Indian National Congress"

Another conference of the depressed classes was held in March 1918 presided over by the Maharaja of Baroda and attended by prominent public men including Vithalbhai Patel, M. R. Jayakar, B. C. Paul and B. G. Tilak. A touching appeal was made by the conference to the nation to remove the miasma of untouchability. An all-India anti-untouchability manifesto was drafted and signed by the leaders pledging that they would not observe untouchability in their day-to-day life. Tilak, however, declined to sign it.

It was in response to the demand of the depressed classes conference that the Indian National Congress for the first time at its session at Calcutta in December 1917 resolved that, "the



Congress urges upon the people of India the necessity, justice and righteousness of removing all disabilities, being of most vexatious and oppressive character subjecting these classes to considerable hardship and inconvenience." Earlier, the Congress had remained scrupulously neutral, pleading in the words of Dadabhai Naroji in 1885 in his presidential address, ".....we have met together as a political body to represent to our rulers our political aspiration, not to discuss social reforms. .... Besides this there are Hindus of every caste amongst whom even in the same province, custom and social arrangements differ widely.....how can this gathering of all classes discuss the social reforms....." Surendranath Banerjee also said in 1895 in his presidential address, "ours is a political and not a social movement; and it cannot be a matter of complaint against us that we are not a social organisation..... There is a special danger to which an organisation such as ours, is exposed and which must be guarded against.....the danger of their being developed from within the seeds of dissension and disputes." This would bear out that till 1917, the All-India National Congress abstained from coping with the problem of social disabilities of the untouchables in order to avoid schism in the organisation. It was for this reason that the depressed classes had grievances against the Indian National Congress that out of collection of one crore and Rs. 30 lakhs for Tilak Fund in 1920, only Rs. 28,000 had been allocated for uplift of the depressed classes.

The leadership of the depressed classes had begun to feel the necessity of uplift and embarked on active steps in that direction. The focus of activity in this regard was the Maharashtra area of the erstwhile Bombay presidency. In pursuance of their demand, certain nominations of untouchable leaders were made to the Bombay Legislative Council by the government. Gholop, the first nominated representative of untouchables in Bombay Legislative Council, moved a resolution recommending to the Government of India to make primary education compulsory with a view to bringing it within the reach of the depressed classes. A more significant and important resolution in this context was moved by S. K. Bole, a Hindu gentleman, who had even to face the threat of excommunication from his Bhandari brother-hood, that the untouchable class be allowed to use all



public watering places, wells and dharamsalas which are built and maintained out of public funds and are administered by bodies appointed by the government or are created by statute as well as public schools, courts, offices and dispensaries. This resolution was passed by the Council as a consequence of which directions were issued to the concerned bodies to implement the objective.

The first non-official move by the depressed classes themselves was also the creation of an institution under the caption of "Bahishkrit Hitakarini Sabha" on July 20, 1924, with the objective to promote the diffusion of education, to better their economic conditions, to further proliferation of culture and to organise and highlight the grievances of the depressed classes. This organisation was successful in not only opening hostels at different places but supported the successful satyagraha launched by Ramaswami Naiker, a non-Brahmin leader of Voikam in the then Travancore State in vindication of the right of the untouchables to use certain public roads which were hitherto forbidden. This initial success gave a sense of self-respect to the untouchables and the movement spread to other places.

It was in March 1927 that the Colaba district depressed classes conference at Mahad (Maharashtra) took up the question of opening Chowdar tank to them on which the Mahad Municipality had already passed a resolution in 1924. A huge procession, led by Dr. Ambedkar, wended towards the tank and used its water. This led to a Hindu crowd attacking the untouchables, but it boosted the prestige of Dr. Ambedkar amongst the depressed classes and instilled confidence among them. The Caste Hindus organised several meetings condemning the actions of depressed classes. It was from now onwards that Dr. Ambedkar came to be recognised as a leader of the depressed classes. He took up the issue of temple entry and pledged to take measures to start a movement for the uplift of his followers.

These movements created a feeling of self-assertion amongst the depressed classes who organised a conference at Mahad where their indignation was expressed by making a bonfire of *Manu Simriti* the charter of their bondage. The bonfire of *Manu Simriti* was a great shock to the orthodox section of the Hindus, especially when in its wake Dr. Ambedkar declared :



“The bonfire of *Manu Simriti* was quite intentional. It was a very conscious and drastic step but was taken with a view to forcing the attention of Caste Hindus. At intervals such drastic remedies are a necessity.....We made a bonfire of it because we viewed it as a symbol of injustice under which we have been cursed across centuries.” This was followed by another conference which was convened by the depressed classes of the then central provinces at Jalgaon in May 1929 wherefrom a warning was issued for the first time stressing that they (depressed classes) would be constrained to seek conversion if they continued to be abjured by the Caste Hindus. It was in this conference that Dr. Ambedkar openly declared that it was humanly impossible for them to get their disabilities erased by remaining in the Hindu fold and advised his followers to embrace any other religion for the betterment of their lot. This was a landmark in the revivalist movement of the depressed classes culminating ultimately in its implementation in 1956, when many amongst the depressed classes *en masse* embraced Buddhism. This event was as momentous as the Dandi March of Gandhiji.

The appointment of the Simon Commission was announced in an atmosphere where the depressed classes were in the throes of their struggle with the Caste Hindus. Dr. Ambedkar welcomed the appointment of the Commission, announced his co-operation with it. He along with 18 depressed classes associations gave evidence before the Commission. Sixteen of the associations pleaded for separate electorate. Dr. Ambedkar on behalf of the ‘Bahishkrit Hitakarini Sabha’ submitted a memorandum demanding joint electorate with reservation of seats for the depressed classes. The Sabha demanded 22 out of 140 seats in the Bombay Legislative Council for the Scheduled Castes and sought inclusion of a clause in the Constitution of the country providing education of the depressed classes as the first charge on the revenue of the Province.

The First Round Table Conference thereafter brought the untouchability question before the bar of world opinion. Dr. Ambedkar, who attended the conference, brought the unenviable predicament of the untouchables in the Hindu society into global focus. He attended the Round Table Conference as the sole representative of the depressed classes along with 69 other members of whom 16 were representatives of three British par-



ties and 53 were Indian members composed of Hindus, Muslims, Christians and Sikhs. Dr. Ambedkar submitted a written memorandum seeking not only formulation of fundamental rights and removal of untouchability but also ; “(i) the right to adequate representation in the legislatures of the country, Provincial and Central; (ii) right to elect their own men as representatives (a) by adult suffrage and (b) by separate electorates for the first 10 years and thereafter by joint electorates and reserved seats, it being understood that joint electorates shall not be forced upon the depressed classes against their will unless joint electorates are accompanied by adult suffrage.”

Another condition in the memorandum demanding adequate representation in the services said : “The Depressed Classes have suffered enormously at the hands of the high caste officers who have monopolised the public services by abusing the law, and by misusing the discretion vested in them in administering it to the prejudice of the depressed classes and to the advantage of the Caste Hindus without any regard to justice, equity and good conscience. This mischief can only be avoided by destroying the monopoly of the Caste Hindus in public services and by regulating the recruitment to them in such a manner that all communities including the depressed classes will have adequate share in them.” The memorandum further stated that the Public Services Commission should be directed, “(a) to recruit the services in such a manner as will secure due and adequate representation of all communities, and (b) to regulate from time to time priority in employment in accordance with the existing extent of the representation of the various communities to any particular service concerned.” The speech of Dr. Ambedkar at the conference highlighted the grievances of the depressed classes when he emphasised the viewpoint of one fifth of the total population of British India who had been reduced to a position worse than the serfs and the slaves : “We feel, nobody can remove our grievances as well as we can and we cannot remove them unless we get political power in our hands. I am afraid that the depressed classes have waited far too long to work the miracle.” The depressed classes acquired leverage when Dr. Ambedkar was able to prevail upon the Minority’s Sub-Committee to insert a note in the last paragraph of the report stating that, “the minorities



and the depressed classes were definite in their assertion that they would not consent to any self-governing constitution of India unless their demands were met in a reasonable manner." The advantages secured by the leadership of depressed classes were duly recognised at the leaders' conference at Bombay which met in the Gokhale Education Society Hall in April 1931 where all prominent depressed classes leaders from different provinces of India, presided over by N. Shivraj, endorsed the Report submitted by Dr. Ambedkar.

The Second Round Table Conference, in which Gandhiji was the sole representative of the Congress, brought him and Dr. Ambedkar into conflict. This further brought into international limelight the case of the depressed classes. Gandhiji's declaration that "the interest of the untouchables are as dear to the Congress as the interest of any other body or of any individual throughout the length and breadth of India" and that he would more strongly resist any further special representation of the depressed classes brought the two leaders into confrontation since the main demand of the depressed classes was separate representation with weightage. The Minority's Sub-Committee adjourned for a week to sort out the dissonances and bring in an agreed solution. This enabled the depressed classes leadership to secure a 'Minorities Pact', with the representatives of Muslims, Anglo-Indians, Europeans and a considerable section of the Indian Christian groups. The main feature of the 'Minorities Pact' was the recognition of the special claims of the depressed classes expressed in the following words :

"(a) The Constitution shall declare invalid any custom or usage by which any penalty or disadvantage or disability is imposed upon or any discrimination is made against any subject of the State in regard to the enjoyment of the civic rights on account of untouchability; (b) Generous treatment in the matter of recruitment to Public Services and the opening of enlistment in the police and Military service; (c) The depressed classes in Punjab shall have the benefit of the Punjab Land Alienation Act extended to them; (d) Right of appeal shall lie to the Governor or Governor General for redress of prejudicial action or neglect of interest by any Executive Authority; (e) The depressed classes shall have representation not less than set forth in the Annexure."



The 'Minorities Pact' pained Gandhiji immensely and he was vexed at the recognition given to the untouchables as a separate political entity. Speaking at the Minority's Sub-Committee, he said, "I would like to repeat what I have said before that, while the Congress will always accept any solution that may be acceptable to the Hindus, the Mohammedans and the Sikhs. The Congress will be no party to the special electorate for any other minorities.....One word more as to the so-called untouchables. I can understand the claim advanced by other minorities but the claims advanced on behalf of the untouchables this time is the unkindest cut of all. It means the perpetual bar sinister. I would not sell the vital interest of the untouchables even for the sake of winning the freedom of India.....We do not want on our registers and on our census, untouchables classified as a separate class. Sikhs may remain as such in perpetuity, so may Mohammedans, so may Europeans. Will untouchables remain untouchable in perpetuity? I would rather prefer that Hinduism dies than that untouchability lives....." The Minority Sub-Committee was adjourned several times but no agreed solution was arrived at with the result that Gandhiji ultimately accepted its failure and entrusted to the British Prime Minister to give an award on the issue.

The Prime Minister's verdict known as the Communal Award recognised separate electorates for the untouchables resulting in reservation of special seats for them. This led Gandhiji to declare his fast unto death announcing that his "fast will cease if during its progress the British Government of its own motion or under pressure of public opinion, revises its decision and withdraws its scheme of communal electorates for the depressed classes, whose representatives should be elected by the general electorate under the common franchise, no matter how wide it is." This announcement created a terrible stir amongst the Hindus leading to a conference of all sections of the community at Poona to evolve a way out to save the life of Gandhiji. Dr. Ambedkar was also invited to the conference. After prolonged negotiations, the depressed classes leadership was persuaded to agree to joint electorates with enlarged number of reserved seats in the provincial and central legislatures on a panel system hinged with primary elections. This truce known as the 'Poona Pact' retained the depressed classes as part of the



Hindu community, but gave them political leverage in the Central and Provincial legislatures by increased weightage. This agreement made Gandhiji break his fast unto death.

Gandhiji's fast had created an effervescence in the Hindu community as a result of which many temples, tanks and other public places were opened to the untouchables. It is significant to note that Gandhiji who before 1932 had opposed the entry of untouchables into Hindu temples and had said : "How is it possible that the Antyajias (untouchables) should have the right to enter all the existing temples ? As long as the law of caste and Ashrams has a chief place in Hindu religion, to say that every Hindu can enter every temple is a thing that is not possible today."<sup>17</sup> After the 'Poona pact' Gandhiji became the greatest advocate of the opening of temples to the untouchables. It was then that several legislators sponsored the temple entry Bills. Dr. Subharoyan sought permission to move a temple entry Bill in the Madras Legislative Council. Four Bills were introduced in the Central Legislative Assembly, one by C.S. Ranga Iyer, another by Harbilas Sardha, a third by Lalchand Navalrai and the fourth by Dr. Jayakar. Gandhiji approached Dr. Ambedkar, but the depressed classes leader refused to give support. Dr. Ambedkar cited two reasons ; one, that the Bill could not hasten temple entry for the depressed classes adding : "It is true that under the Bill, the minority will not have the right to obtain injunction against the trustees or the manager who throw open the temples to the depressed classes in accordance with the decision of the majority. But before one can draw any satisfaction from this clause and congratulate the author of the Bill, one must first of all feel assured that when the question is put to vote there will be a majority in favour of the temple entry..... Secondly, the Bill does not regard untouchability in temples as a sinful custom. It regards untouchability merely as a social evil not necessarily worse than social evils of other sorts. For, it does not declare untouchability as such to be illegal. Its binding force is taken away only, if a majority decide to do so....."

<sup>17</sup>Dr. Ambedkar 'What Congress and Gandhi have done to the Untouchables' p. 107.



The Governor of Madras refused sanction to Dr. Subharayan's temple entry Bill in the Madras Legislative Council but the Viceroy permitted Ranga Iyer's Untouchability Abolishing Bill to be moved in the Central Assembly. This bill, however, was withdrawn by the mover who in a pathetic speech explained that his action has been caused by the changed attitude of Rajagopalachari and other lieutenants of Gandhiji who had forsaken their support to the Bill. Dr. Ambedkar's comment on this changed attitude of the Congress leaders was very significant and incisive. He wrote: "Mr. Gandhi begins as an opponent of temple entry. When untouchables put forth the demand for political rights, he changes his position and becomes a supporter of temple entry. When Hindus threaten to defeat the Congress in the election, if it pursues the matter to a conclusion, Mr. Gandhi in order to preserve the political power in the hands of the Congress, gives up temple entry. Is this sincerity? Does this show conviction?"<sup>18</sup>

The Poona Pact could not woo Ambedkar to Hinduism and the news soon spread that he was on the verge of announcing his conversion to another religion at the Yeol Conference which was scheduled to be held in October 1935. It was a massive gathering where about 10,000 untouchables had flocked from all parts of the country. He did not announce his own conversion but declared, "I solemnly assure you that I will not die a Hindu." This prompted leaders of different faiths to approach him with a view to accepting their religion. The announcement stole the limelight in the glare of global publicity. A certain section of bigoted Hindus felt relieved over the decision of the untouchables to walk out of the Hindu fold because it would sound the demise of satyagraha pertaining to temple entry. The issue of proselytisation was referred by Ambedkar to a Mahar Conference which met at Bombay on May 30, 1936. Dr. Ambedkar was himself a Mahar. It was at this meet that he declared that he did not have faith in the honesty of Hindu social reformers and he further stated that Gandhiji did not possess the courage to take up the cudgels on behalf of the depressed classes against the Caste Hindus. His reply to a ques-

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<sup>18</sup>Dr. Ambedkar 'What Congress and Gandhi have done to the Untouchables' p. 125.



tion seeking elucidation to the advantage the depressed classes would gain by resorting to proselytisation was : "What will India gain by Swaraj? Just a Swaraj is necessary for India, so also the change of religion is necessary for the untouchables. The underlying motive in both the movements is the desire for freedom."

He further said, "I tell you a religion is for man and not man for religion. If you want to organise, consolidate and be successful in the world change this religion. The religion that does not recognise you as human beings or give you water to drink or allow you to enter the temple is not worthy to be called a religion." The conference passed a resolution stating that they were prepared to seek proselytisation *en masse*, and as a preliminary step advised the Mahar to refrain from worshipping Hindu dieties or visiting Hindu places of worship. Ambedkar's biographer, Dhannajay Keer, wrote that after consulting his colleagues, Dr. Ambedkar decided to embrace Sikhism. Immediately after the conference he sent his son and nephew to Amritsar to stay at the Khalsa College and study Sikhism. Explaining his preference for Sikhism he observed : "The second question is, looking at these alternative faiths purely from the standpoint of the Hindus, which is the best—Islam, Christianity or Sikhism ? Obviously, Sikhism is the best. If the depressed classes join Islam or Christianity, they not only go out of the Hindu religion, but they also go out of the Hindu culture. On the other hand, if they become Sikh, they remain within the Hindu culture. This is by no means a small advantage to the Hindus." Rajagopalchari considered the proposed conversion of Ambedkar to Sikhism as diabolical, as it would lead to the vivisection of Hindustan. Despite opposition, Ambedkar sent a group of his followers to the Sikh Missionary College at Amritsar to study the Sikh religion. Though it seemed certain that he would announce his conversion to Sikhism, yet he continued to postpone the issue.

The elections of 1937 under the Government of India Act, 1935, embroiled the depressed class leadership deeply in politics, and most of their attention was diverted to the organisation of their community under the label 'Labour' and as a sequel an Independent Labour Party came into being. It functioned as an opposition group in the Bombay Legislative Assembly. This,



however, kept the cause of the depressed classes alive and the opportunity came to its leadership to embark on a campaign of recruitment of the depressed classes into the Army and other Government services when the Second World War started. The depressed classes secured an opening in the services when Dr. Ambedkar was appointed on the Defence Advisory Committee in 1941. Thereafter recognition was given to the depressed classes in the political arena by appointing Dr. Ambedkar as a member of the Viceroy's Executive Council. Soon after, an All India Depressed Classes Conference was held at Nagpur in July 1942 under the Chairmanship of N. Shivraj, wherein an All-India Scheduled Castes Federation was constituted, putting forth the demand for establishment of separate village settlements at the cost of the State in every village. This was another landmark in the struggle of the depressed classes, as their leadership considered them to be a separate entity from Hindus which was manifested by their seeking separate settlements in the villages simply because they were not treated on an equal footing by the Hindu majority.

Ambedkar, as Labour member of the Central Cabinet, was able to secure eight and one-third of appointments for the depressed classes in Government posts, reserve seats for technical education of their students in London and acquire one more seat each in the Central Assembly and Council of State. He had two reasons for securing safeguards for his community firstly, because he was convinced that the predominance of the Caste Hindus in services would make it impossible for the depressed classes to secure jobs by fair competition; and secondly, Government jobs would enable them to better their economic status and watch their interests in the services. Ambedkar further explained the position of the depressed classes in a Conference of the Scheduled Castes Federation in Bombay in May 1945 when he declared that the majority rule was untenable in theory and unjustifiable in practice and the minority communities including the depressed classes should have weightage to protect themselves from high caste tyranny. The negotiations that were started in 1945-46 to solve the communal problem in the country and evolve a joint formula for solution of the political problem and subsequent transfer of power were not successful despite strenuous efforts by Lord Wavell, the then Viceroy.



The Scheduled Caste representative was not included in the Simla Conference held by Lord Wavell.

The British Cabinet delegation that visited the country subsequently had interviews with Dr. Ambedkar who then was the leader of the Scheduled Castes Federation. The reports pertaining to the interview of Ambedkar gave out that he repudiated the position that the Scheduled Castes were putting a veto on India's political advancement, but he did submit a memorandum before the Mission asking for a provision to be made in the constitution for the election of the Scheduled Castes through separate electorates. He also stressed the importance of a new agreement emphasising the need for the appointment of a Settlement Commission and demanded adequate representation for the Scheduled Castes in the Central and Provincial Legislatures, as also in the Central and Provincial Executives, in the public services and on the Public Service Commission, both federal and provincial. He further urged the need for earmarking sums for their education. The main feature of the memorandum was that it demanded the inclusion of these safeguards in the new Constitution.

The Viceroy's Executive Council was dissolved on June 3, 1946 in anticipation of the formation of a care-taker Government on the basis of the Cabinet delegation plan of May 16, 1946. With the dissolution of the Executive Council, the representation of the Scheduled Caste Federation in the person of Dr. Ambedkar as Labour Member also got terminated. It came to be known that the Congress party was having its own depressed class nominee in the proposed care-taker Government. This led to a mass protest by the workers of the Scheduled Castes Federation in the form of a satyagraha movement which synchronized with the opening of the Poona session of the Bombay Assembly on July 15, 1946. Batches of workers of the depressed classes courted arrest in defiance of the district magistrate's order which had been clamped earlier in the area. Simultaneously satyagrahas were started at Kanpur and Lucknow by the Scheduled Castes Federation. Jagjivan Ram was taken as a Congress nominee in the care-taker Ministry on August 26, 1946 whereas Joginder Nath Mandal, another depressed class leader, was taken in the Muslim League quota. The Scheduled Castes Federation, however, intensified



its campaign of mass protest against the exclusion of their representatives and extended the movement to Nagpur. Dr. Ambedkar had already been elected to the Constituent Assembly and had started making substantial contribution towards its proceedings.

Earlier, at the sitting of the Constituent Assembly in December 1946, when the Muslim League had boycotted it, Nehru had moved a resolution declaring that India's objective was the forging of an independent sovereign republic. This resolution was supported by M. R. Masani. Dr. M.R. Jayakar had, however, moved an amendment seeking postponement of the passing of resolution until the Muslim League and Indian States' representatives attended the Constituent Assembly. Dr. Ambedkar supported this amendment in a forceful speech. He, however, supported the Congress viewpoint in maintaining the unity and integrity of the Country. This brought the depressed classes leadership nearer to the Congress. In his speech, he said, "I have no hesitation in saying that, notwithstanding the agitation of the League for the partition of India, some day enough light will dawn upon the Muslims themselves, and they too will begin to think that a united India is better for everybody." Dr. Ambedkar, however, on behalf of the Scheduled Castes Federation submitted a memorandum to the British Government in March, 1947, wherein he proposed that the Scheduled Castes should have separate electorates in constituencies in which seats were reserved for them, whilst in the remaining constituencies they would vote jointly with Caste Hindus. He got this memorandum published in the form of a brochure under the caption, 'States and Minority', in which he also enunciated the basic economic principles for the removal of disparity. He wrote: "State socialism is essential for the rapid industrialisation of India. Private enterprise cannot do it and if it did, it would produce those inequalities of wealth which private capitalism has produced in Europe which should serve as a warning to Indians. Consolidation of holdings and tenancy legislation are worse than useless. They cannot bring about prosperity in agriculture. Neither consolidation nor tenancy legislation can be of any help to the 60 millions of untouchables who are just landless labourers. Only collective farms can help them." Observing that the basic industries should be owned by the State, he said: "Insurance shall be a monopoly of the State. Agriculture shall be



a State Industry. Land will belong to the State and shall be let out to villagers without distinction of caste or creed and in such a manner that there will be no land-lord, no tenant and no landless labourers.”

The British Parliament on the basis of the June 3, Plan passed the Act of Independence on July 15, 1947, providing for partition of the country into India and Pakistan and declaring the Constituent Assemblies of both as sovereign. The Congress leadership offered Law Membership in the Central Cabinet to Dr. Ambedkar which he accepted. This brought about a rapprochement between the Scheduled Castes Federation and the Indian National Congress and gave a voice to the Depressed Classes Federation in the framing of the Constitution of India. This rapprochement was further enhanced when the Constituent Assembly appointed Ambedkar to be the Chairman of the Drafting Committee of the Constituent Assembly which empowered him to frame a Constitution of India containing safeguards for the Scheduled Castes. Ambedkar, however, displayed vision when, addressing a meeting of Scheduled Castes Youth in Bombay in the first week of October, 1947, stressed the need for keeping the Scheduled Castes Federation intact. He also took up the cause of the Scheduled Castes at the Government level when he condemned the atrocities then committed by Pakistan on the depressed classes left in that country and their forced proselytisation to Islam. He advised them to migrate to India *en masse* and not seek conversion to Islam as an easy way of escape. He, however, stressed that the depressed classes should remain a separate entity. Addressing the United Provincial Scheduled Castes Federation in April 1948, he emphasised that political power was the key to social progress, and the Scheduled Castes could achieve their salvation if they captured power by organising themselves as a third group, and holding the balance between the opposite parties in the country.

With the election of Ambedkar as Chairman of the Drafting Committee of the Constituent Assembly, the main burden for drafting the Constitution fell on him, and he took full advantage of the situation by bringing in all necessary provisions in the Constitution to the benefit of his community. The third chapter of the Constitution laid down Fundamental Rights of Equality and non-discrimination both in the services and other



spheres, and the other provisions conferred special privileges on the Scheduled Castes. The problem of the Scheduled Castes had been at last constitutionally solved with their integration with the rest of the Hindu community at least for the time being.

Dr. Ambedkar embarked on another mission of drawing up a Hindu Code Bill with a view to revolutionising the personal law governing the Hindus, and removing all vestiges of discrimination; but he did not gain success. The opposition to the Code Bill by the orthodox section of Hindus, despite Nehru's support for it, was a sore disappointment to Ambedkar. The opposition went to the extent that Dr. Shyama Prasad Mukherjee said that the Hindu Code Bill would shatter the magnificent structure of Hindu culture and stultify a dynamic and catholic way of life. The opposition to the Bill made Nehru succumb to the demand of the diehards and the Hindu Code Bill was thus bifurcated. The Hindu Marriage and Divorce and Succession Bills, which were also piloted by Dr. Ambedkar, were passed. This somehow convinced him that he could not bring reform in Hindu society, and hence he sent his resignation from the Cabinet on September 27, 1951, saying, "for a long time I have been thinking of resigning my seat from the Cabinet. The only thing that had kept me back from giving effect to the intention was a hope that it will be possible to give effect to the Hindu Code Bill...I even agreed to break up the Bill...but even that part of the Bill has been killed. I see no purpose in my continuing to be a member of your Cabinet."

The Executive Committee of the Scheduled Castes Federation met in October, 1951, and declared that it had no truck with the Congress or the Hindu Mahasabha. But it could not do much in the direction of organising the party, and it was routed in the general elections of 1952. Dr. Ambedkar himself was also defeated but was later elected to the Rajya Sabha by members of the Bombay Legislative Council. This, however, gave a setback to his political career and sounded the death knell of the Scheduled Castes Federation.

His moves to break ties with the Hindu religion accentuated, and he indicated his inclination to embrace Buddhism. Addressing the conference of the Hyderabad Scheduled Castes Federation of workers and leaders at Aurangabad in July, 1954, he sounded a note of warning to his people that he would excommu-



nicate those who would make pilgrimages to Hindu places of worship. The reason for the estrangement of the Scheduled Castes Federation from the Congress leadership and the Hindu ideology was that the provisions of the Constitution relevant to the Scheduled Castes were not being fully implemented. It was for the same reason that Ambedkar blamed the Government in 1953, while speaking on the Andhra State Bill in the Rajya Sabha, for having made no provision to safeguard the rights of the Scheduled Castes against the tyranny, oppression and communalism of the majority, and admitted his mistake in not including in the Constitution a proviso investing the Governors with special powers for the protection of the interests of the minorities. When confronted with a query by another member that it was he who drew up the Constitution, he burst out saying, "Sir, my friends tell me that I made the Constitution ; but I am quite prepared to say that I shall be the first to burn it down. I do not want it. It does not suit anybody..... They must remember that there is a majority and there are minorities; and they simply cannot ignore the minorities by saying; Oh no, to recognise you is to harm democracy. I shall say that the greatest harm will come by injuring the minorities. ....I am fond of Hindi, but the only trouble is that Hindi speaking people are enemies of Hindi." Earlier, admitting his limitations in the drafting of the Constitution he said, "my answer is, I was a hack, what I was asked to do, I did much against my will." He maintained his campaign against the illtreatment of the depressed classes by the Caste Hindus. Speaking on the Untouchability Offences Bill in the Rajya Sabha, he suggested that the menace of untouchability could not be eradicated unless a minimum sentence of imprisonment was provided for persons guilty of social boycott of untouchables.

It was in this background of caste disparity that he went to attend the Third Buddhist World Conference at Rangoon. He declared at the symposium his final decision to adopt Buddhism and his determination to persuade the Scheduled Castes to do the same. Announcing his decision in a talk in May, 1956, from the British Broadcasting Corporation, he said, "I prefer Buddhism because it gives three principles which no other religion does. Buddhism teaches Prajna (understanding) as



against superstition and supernaturalism, Karuna (love) and Samata (equality). This is what man wants for a good and happy life. Neither God nor soul can save the society..... Once it is realised that Buddhism is a social gospel, its revival would be an everlasting event." He announced in May, 1956, that he would embrace Buddhism. A mass rally was held at Nagpur on October 14, 1956, where he along with three lakh Scheduled Caste members of the Federation embraced Buddhism. Later, he went on a mission to different places and is reported to have converted a further two lakh people. This proselytisation was a landmark in the separatist revivalism of the depressed sections of the Hindu society opening a way for them to shed the shackles of Hindu rituals and social discrimination.

The census figure of 1961 after this mass conversion movement of the Scheduled Castes gave the percentage of Buddhists as .73 per cent of the total population of India. This, however, declined to .70 per cent in the 1971 census which is indicative of the fact that the conversion to Buddhism has not progressed. Yet the significance of this break up move in Hindu society by an important section, the depressed classes, who are victims of social ostracism cannot be discounted. This fissure in the Hindu society is further to be viewed in the context of the situation prevalent in the country 25 years after independence and with the Congress Party as suzerain of the country. The Commissioner of Scheduled Castes and the Scheduled Tribes received 2,522 complaints of the practice of untouchability during 1969-70 alone. A union minister admitted in Parliament in 1970 that 1,100 Harijans were murdered in three years from 1967 to 1969 by Caste Hindus, Uttar Pradesh topping the list with 322 murders to its credit. According to a Press survey, Maharashtra, Madhya Pradesh, Uttar Pradesh, Rajasthan and Gujarat are the chief haunts of untouchability and social boycott of Harijans. The survey says : "The movement against untouchability has made some progress in cities and towns but the situation in the villages remains as bad as ever before. Even bonded labour, a kind of servitude, still persists in one form or another in certain areas of Madhya Pradesh, Uttar Pradesh, Gujarat and Mysore. According to information gathered from official and non-official sources,



instances of atrocities on Harijans are on the increase in the rural areas. Notwithstanding its abolition by the Constitution and the Untouchables Offences Act of 1955, in many places Harijans are denied access to wells and temples, and in some places they are not allowed to use the common highways. They cannot get barbers to shave them. Burning of Harijans' huts, murders and persecution, organised social boycott and rapes still continue in the rural areas of some States."<sup>19</sup> The Parliamentary Committee on the welfare of the Scheduled Castes and Scheduled Tribes in its report also admitted that the literacy gap between the Scheduled Castes and others is still 15 to 20 per cent.

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<sup>19</sup>'The Tribune' dated September 4, 1972.

## CHAPTER II

# *VARIETIES OF NATIONALISMS*

Whether India had been a Nation State in the past or has become one now is a matter which can be judged in the light of her historical background—social, religious and political. It will be seen that what we call 'Nationalisms' in India as discussed in the previous chapter have developed in a variety of ways. Materialism or secularism had nothing to do with their development. Modern materialism had developed as an integral part of European culture. But the leadership in India, mainly Hindus, with the leaving of other communities after the conquest of the country by the British, adopted consciously or unconsciously—a recoil from the culture of the West. Each community tried to conserve distinct and different culture and its glorified past. Even before the partition, there had been a unique development of 'Nationalisms' in India.

Some writers opine that society in India was never an integrated one, either under Moghals or under the British. It is generally believed that there had been no fusion of the different sections of society in spite of their living together for centuries. There was no common culture in the modern 'National' sense and the people remained divided into different sections, each with its distinct group consciousness. Each community struggling to free itself from foreign rule sought to develop along its own lines. This class, communal or religious consciousness was exploited by the leadership. Political consciousness therefore developed not on 'National' lines but on a narrow competitive, communal basis, each group trying to outdo the other.

Another remarkable feature of the growth of 'Nationalisms' in India was the inalienable link between religion and society.



Moreover, in a caste ridden society plagued with social taboos, such as untouchability and inequality, social reform could not be divorced from religion. Therefore, efforts to rationalise social institutions could only be made within the framework of religion. Whether one likes it or not, nowhere else in the world has religion exercised such mastery over the life of an individual as in India. Therefore, all reforms, political or social, were stemmed from religion. Hence, no common programme of the growth and development of different sections of the Indian society could succeed on a national basis.

Another feature of the growth of 'Nationalism' has been the evolution of the middle class, the bourgeois, that controlled the developmental activities of the different sections of society. At no stage was there a mass movement. The middle class aimed at compromise with the governing classes to acquire greater weightage by expediency rather than by principles. The interest of the bourgeois was for their own self-aggrandisement and their movement lacked attraction for the masses. Obviously the bourgeois movement lacked a revolutionary fervour.

Yet another feature in the growth of the so-called 'Nationalism' has been the basic character of different classes and sections of the society. For instance, Muslims consider themselves part of a global brotherhood and a cosmo-political unit throughout the world; and therefore, the growth of national consciousness among them could not have a territorial basis. It has to be either on the basis of Pan-Islamism or of all mankind and in the case of India it hinged more on Pan-Islamism as discussed in the previous chapter. Besides, Indian Muslims, who did not possess a territorial consciousness were led and dominated by the middle class, landed and professional whose members were actuated by their own personal interest. They struggled against their counterparts amongst the Hindus for Government posts and election to the legislatures and in doing so they directed the religious and the political awakening of the Muslim masses into communal and sectional channels. Later, however, when Poet Iqbal and the Cambridge University student Rehmat Ali aroused a distinct territorial consciousness, it developed into an urge amongst the Muslims for a separate homeland. Ironi-



cally the demand for a homeland was on group lines and never on a common national basis.

The British conquerers had replaced the Muslim nobility and middle class by Hindus who now became the hereditary landlords, merchants and government servants and got naturally closer towards their masters, leaving the Muslims in the lurch and economically backward. This produced the community consciousness amongst the Muslims and was fully made use of by Sir Syed Ahmed who worked for the reconstruction of the Muslim society on community basis as a counterpoise to the Hindus. Therefore, on the political and socio-religious movements amongst the different sections of people, whether they were Hindus, Muslims, Sikhs or depressed classes, the fissiparous and centrifugal tendencies began to be felt.

There is no gain saying the fact that the Indian National Congress tried to maintain its secular and national character with freedom as its goal, but its leaders, Gandhiji, Pandit Madan Mohan Malaviya, Lala Lajpat Rai, Bal Gangadhar Tilak and others tried to induct Hindu religious ideas into the national movement. The foisting of Hindu religious notions on a secular movement for political freedom tended to create a suspicion in the minds of the other groups that the national movement was the Hindu revivalism in disguise. It thus eroded the common basis on which a national edifice could have been built. Therefore, it can be established that, with the partition of the country and the acceptance of the two-nation theory, the sub-continent found itself divided into Hindu India and Islamic Pakistan. The problem thrown up by this situation stares directly into our face. Whether India has evolved into a modern secular nation which would strengthen the community remains a big question mark.

India, that is Bharat, is a vast country, multi-racial multi-religious and multi-lingual in character. The racial differences are apparent from the fact that the Indo-Aryan stock inhabits Punjab, Rajasthan and Kashmir. The Scythio-Dravidian stock inhabits Gujarat and Maharashtra. The Aryo-Dravidian races occupy Uttar Pradesh, Eastern Rajasthan and Bihar. The Mongolo-Dravidian races live in Bengal and the Coastal areas of Orissa. The Mongoloid types live in Himachal Pradesh, Assam, Nepal, Bhutan and Sikkim. The Dravidian stock lives



in Tamil Nadu, Andhra, Kerala, Madhaya Pradesh and on the high lands of Orissa and Mysore.

The country is also multi-religious. According to the 1971 census, the Hindus constitute 82.72 per cent of the population, Muslims 11.21 per cent, Christians 2.44 per cent, Sikhs 1.89 per cent with the Buddhists and Jains in very small proportions. The significant feature of the population is that the Hindus are in a minority in the States of Punjab with 37.54 per cent. In Jammu and Kashmir with 30.42 per cent, in Arunachal Pradesh with 21.90 per cent, in Meghalaya with 18.50 per cent, in Nagaland with 11.43 per cent and in the Laccadives, Minicoy and Amin-devi Islands, with only 4.86 per cent. The Sikhs are in a majority in Punjab with 60.22 per cent of the population and the Muslims in Jammu and Kashmir with 69.58 per cent of the population. Out of the Hindu population of 82.72 per cent, the Scheduled Castes account for 14.60 per cent of the country's total population with the largest concentration in Uttar Pradesh (18.5 million) followed by West Bengal (8.81 million), Bihar (7.85 million) and Tamil Nadu (7.31 million). The dispersal of the population brings to light an interesting dimension that the two major minorities, the Muslims and Sikhs, play a dominant role in the two border States and which should enable them to have a substantial say in the affairs of the rest of the country.

The country is multi-lingual. The major languages that are spoken can be categorised thus :

- (1) Assamese in Assam, Nagaland, North East Frontier Agency and parts of Bengal.
- (2) Bengali in Bengal and parts of Bihar.
- (3) Gujarati in Gujarat and parts of Maharashtra.
- (4) Hindi in Uttar Pradesh, Madhya Pradesh, Himachal Pradesh, Haryana, Rajasthan, Bihar and Orissa.
- (5) Kannada in Mysore, parts of Maharashtra and Andhra.
- (6) Kashmiri in Jammu & Kashmir.
- (7) Malayalam in Kerala and parts of Tamil Nadu.
- (8) Marathi in Maharashtra, parts of Andhra and Karnataka.
- (9) Oriya in Orissa and parts of Andhra.
- (10) Punjabi in Punjab, Delhi and Haryana.
- (11) Tamil in Tamil Nadu, parts of Karnataka, Kerala and Andhra.



(12) Telugu in Andhra, parts of Karnataka and Tamil Nadu.

(13) Urdu in Delhi, Kashmir, Haryana and all metropolitan centres.

According to the Eleventh Report of the Commission for Linguistic minorities for the period July, 1968 to June, 1969, the minority languages spoken in different States can be listed as below.

#### 1. *Andhra Pradesh :*

Telugu speaking people constitute 85.97 per cent of the population. The speakers of Urdu, Lambadi, Tamil and Kannada constitute 7, 10, 1.62, 1.55 and 1.05 per cent respectively.

#### 2. *Assam :*

Assamese speaking people constitute 57.14 per cent. The speakers of Bengali, Hindi, Khasi, Bondho/Boro, Garo, Nepali, Lushai, Miker, Oriya and Miri constitute 17.60, 4.41, 2.97, 2.82, 2.47, 1.77, 1.76, 1.18 and 1.12 per cent respectively.

#### 3. *Bihar :*

The speakers of Hindi, Bihari, Urdu, Santhali, Bengali, Mundhari and Oraon Kurkuh constitute 44.30, 35.39, 8.93, 3.57, 2.84, 1.21, and 1.10 per cent respectively.

#### 4. *Gujarat :*

Gujarati speakers constitute 90.50 per cent. The speakers of Urdu, Sindhi, Bhilli and Maharathi constitute 2.89, 2.42, 1.34 and 1.01 per cent respectively.

#### 5. *Haryana :*

The Hindi speaking people constitute 88.68 per cent and the speakers of Punjabi and Urdu constitute 8.12 and 2.77 per cent respectively. These are not independent census figures but those received by the Commissioner and mentioned in his report which itself is based on the report received from the Government of Haryana. The percentage of Punjabi spoken is definitely greater than that given in the report. In fact the major portion of the State is Punjabi speaking, if correct and true figures are taken.



### 6. *Jammu and Kashmir :*

The more important languages/dialects according to the numerical strength of their speakers are Kashmiri, Dogri, Pahari (unspecified) Gojri, Punjabi and Ladhakhi which are spoken by 54.42, 24.41, 6.84, 5.88, 3.07 and 1.48 per cent respectively.

### 7. *Kerala :*

The speakers of Malayalam and Tamil constitute 95.04 and 3.12 per cent respectively.

### 8. *Madhya Pradesh :*

Hindi speakers comprise 78.07 per cent and that of Rajasthani, Marathi, Gondhi, Bhilli, Urdu and Oriya 4.98, 3.89, 3.23, 2.70, 2.29 and 1.75 per cent respectively.

### 9. *Maharashtra :*

Marathi speakers constitute 76.55 per cent while speakers of Urdu, Hindi, Gujrati, Telugu, Kannada, Rajasthani and Bhilli make up 6.89, 3.11, 2.78, 1.62, 1.60, 1.59 and 1.11 per cent respectively.

### 10. *Mysore :*

Kannada speakers constitute 65.17 per cent and speakers of Telugu, Urdu, Marathi, Tamil, Tulu, Konanki, Malayalam and Banjari 8.68, 8.63, 4.55, 3.64, 3.60, 2.09, 1.29 and 1.22 per cent respectively.

### 11. *Orissa :*

Oriya speakers constitute 82.31 per cent of the population, and that of Qui, Telugu, Santhali, Hindi, Savara, Urdu and Ho 2.92, 2.24, 2.14, 1.25, 1.22, 1.21 and 1.15 per cent respectively.

### 12. *Punjab :*

The speakers of Punjabi and Hindi constitute 67.21 and 35.27 per cent respectively. However, according to the report of the Punjab Government to the Commissioner, the figures of the Ropar area, formerly part of Ambala District, are not available. The claim, however, made is that Hindi speaking population is very much less.

### 13. *Rajasthan :*

The speakers of Rajasthani, Hindi, Bhilli, Urdu, Punjabi and Sindhi constitute 56.49, 33.32, 4.13, 2.53, 2 and 1.16 per cent respectively.

### 14. *Tamil Nadu (Madras) :*

Tamil speakers constitute 83.17 per cent of the population while speakers of Telugu, Kannada, Urdu and Malayalam form 9.90, 2.81, 1.83 and 1.20 per cent respectively.

### 15. *Uttar Pradesh :*

Hindi speakers constitute 85.39 per cent of the population, and that of Urdu, Kumauni, Gurwali 10.70, 1.39 and 1.08 per cent respectively.

### 16. *West Bengal :*

Bengali speakers constitute 84.28 per cent of the population. The speakers of Hindi, Santhali, Urdu and Nepali make up 8.43, 3.27, 2.38 and 1.58 per cent of the remainder respectively.

### 17. *Himachal Pradesh :*

Hindi is spoken by 10.63 per cent of the population. The speakers of Pahari (unspecified) Mandyali, Sirmauri, Punjabi, Bharmauri, Gaddi, Chambelli and Kannaury constitute 38.47, 16.76, 8.24, 6.32, 4.02, 3.41 and 2.09 per cent respectively. A portion of Punjab was amalgamated with Himachal Pradesh the figures of which are not available with the Commissioner. It is, however, claimed that all the minor dialects named above flow from Kangri which in itself is a dialect of Punjabi.

### 18. *Manipur (Union Territory) :*

Methai speakers constitute 64.46 per cent of the population. The speakers of Tangkhul, Phado, Mao and Nepali form 5.63, 3.67, 3.69 and 1.74 per cent of the remaining population.

The above position of the linguistic minorities will bring to surface the complexity of the problem, the consequent conflict on the issue of education of the minority groups and members in their mother tongues during the primary and secondary stages and their resentment on Hindi being made compulsory for them. This will be discussed later.



The Hindus undoubtedly constitute the vast majority of the population in the country as a whole and are also predominant in all the States and Union territories save in Jammu and Kashmir, Punjab, Meghalaya, Arunachal Pradesh, Nagaland and Laccadives, Minicoy and Arindaya Islands. Out of the total 368 districts in the country, they constitute less than 50 per cent of the population i.e. only 38 percent. But Hinduism is not a homogeneous and cohesive religion to form one entity. It is a social order rather than a creed. Its distinguishing feature is its caste system. It cannot be called a 'unitary religion' because there are no set beliefs and practices which demand conformity. It may be termed a mosaic of castes with a common culture which runs through all sections of the people who call themselves Hindus. Tradition, the cumulative heritage of a society, permeates all levels of a social organisation casting an imprint on the values of life, social structure and the projection of personality. Each epoch in the life of a society is imbued with its characteristic tradition which eventually integrates with the overall tradition and culture of the country. Hindu tradition itself is not homogeneous. It is true that the dominant Hindu tradition represented by Shankara advocates universal negation and is therefore, inherently incompatible with modern thought. But at different stages of history, a number of protestant schools have risen amongst the Hindus. The athiestic school of Charavak for instance, posed a serious intellectual challenge to orthodox Hinduism. The Upanishads and the Mahabharata contain many statements to justify the belief that neither the commonly accepted doctrine of transmigration, nor of a soul independent of the body, was invariably accepted by all Hindus. Therefore, traditionally and religiously Hinduism cannot constitute one entity.

It is also correct to affirm that isolationism is inherent in Hindu society. It is for this reason that the caste system dominates the Hindu society in all its facets. S. F. Nodal, the noted social anthropologist, defines caste system as "segmentation of society in rigid fashion, the various segments being based on descent and permitting no mobility, no inter-marriage; a differentiation of occupation which goes hand in hand with social inequality, i.e., with an unequal share in existing benefits and unequal claims to status and esteem; it means also an inequality which is not only de facto but also de jure. So that lower castes

are despised, not only unhappily unprivileged; they bear a stigma apart from being unfortunate. Conversely the high castes are not merely entitled to the possession of coveted privileges but also in the same way exalted and endowed with higher dignity." In India the caste system, which is believed to have religious sanction and a divine origin plays a dominant role in day-to-day life. As Professor M. N. Srinivas, the doyen of Indian sociologists, has said, "caste is so tacitly and so completely accepted by all, including those most vocal in condemning it that it is everywhere a unit of social action." He goes further and say, "there is a good case for arguing that each concern and organisation have increased in modern India. Witness for instance the proliferation of caste banks, hostels, co-operative societies, charities, marriage halls, conferences in general in Indian towns."<sup>1</sup> The hold of caste on sections of Indian society has tightened after partition. The selection of candidates for legislatures or local bodies by political parties is hinged on caste considerations with attendant backing and does not rest on merit. Jaya Prakash Narayan, says, "caste is the biggest party in India." Another noted writer, Pradeep J. Shah, writes, "caste has now entered the arena for the competitive distribution of material rewards and is a social and political pre-requisite amongst different social booths."<sup>2</sup> Harold Issacs remarks : "You cannot be without a community. Without a community, it is awkward for a man in all his relationship. This is the culture of the country. In India you have got to be connected."<sup>3</sup> The significant trait of Hinduism is the theory of the four *Varnas* according to which society is *stratified* with faith in its divine derivation and the rigidity of the caste system. These constitute the main obstacles to any serious effort to modify the Hindu society to enable it to merge with other religions to evolve an integrated nation.

The concept of 'Nationalism' is seen in a different perspective by the followers of Islam. The basis of Islam is one God, one Prophet, one Kaaba and one Quran and this gives a sort of spiritual unity and fosters brotherhood amongst the Muslims. Muslim brotherhood wherever situated is a social notion in itself and does not believe in territorial limitations. Therefore,

<sup>1</sup>M.N. Srinivas 'Castes in Modern India' p. 41.

<sup>2</sup>Pradeep J. Shah 'Caste and Political Process' p. 522.

<sup>3</sup>Harold Issacs 'India's Ex-untouchables' p. 147.



love of the soil or territorial 'Nationalism' is foreign to the concept of Islam. It was in this context that Sir Shah Nawaz Khan, a prominent leader of Muslims, under the *nome-de plume* of a 'Punjabi', spelled out his concept in his book, 'Confederacy of India' "The Muslims cannot divorce their religion from politics. In Islam, religious and political beliefs are not separate from each other. Religion and politics are inseparably associated in the minds and thoughts of all Muslims... Their religion includes politics and politics are part of their religion. The mosque not only constitutes a place of worship but also the Assembly Hall..... They are born into a system. The system is not thrust upon them. The religion and politics are same to them. Hence Hindu-Muslim unity or Nationalism signifying homogeneity between them in all religious matters is unimaginable. Islamic policy in which religion and politics are inseparably united requires perfect isolation for its development. The idea of a common State with homogeneous membership is alien to Islam and can never be fruitful."<sup>4</sup>

Islam believes in the militancy of religion under the garb of defence of faith. Syed Amar Ali, a noted writer, expounds a justification for this militancy while discussing the early days of Prophet Mohammad and his struggle against the infidels. He writes: "While engaged in his (Prophet Mohammad's) divine work of humanising his people, raising them from the abyss of degradation, purifying them from abomination, he is attacked by his enemies, ruthless and untiring in their vengeance, intending his destruction including the destruction of the entire body of people who had gathered round this minister of God..... and it was not until their enemies were upon them that it was declared, 'the infidels regard not in a believer, either ties of blood or covenant; when they break their oaths of allegiance and attack you, you defend yourselves' and again defend yourselves against your enemies and attack them, God hates the aggressors. To the Muslims, self-defence had become a question of self-preservation. They must either submit to massacre or fight when they were attacked. They chose the latter alternative and succeeded after a long struggle in subduing their enemies." Countering the viewpoint of people who con-

<sup>4</sup>'A Punjabi' 'Confederacy of India' p. 88-89.

sider that the great teachers who had appeared during the period of history and had set examples of martyrdom against tyranny and force, in contrast to the steps taken by Prophet Mohammad, Syed Amar Ali writes : "Nor was he obliged to sacrifice himself and the community over which he was called to preside for the sake of carrying out what in the present time would be called a Martyr."<sup>5</sup>

The cleavage between the two major communities in the context of revivalism is relevant to the genesis of political consciousness in nineteen forties. Jinnah in his presidential address during the League session of 1940 at Lahore said : "The problem in India is not of inter-communal character but manifestly of international one and it must be treated as such.....It is extremely difficult to appreciate why our Hindu friends fail to understand the real nature of Islam and Hinduism. They are not religions in the strict sense of the word, but are in fact different and distinct social orders and it is only a dream that Hindus and Muslims can ever evolve a common nationality..... The Hindus and Muslims have different religious philosophies, social custom and literatures. They neither have inter-marriages, nor dine together and indeed they belong to different civilizations which are based mainly on conflicting ideas and conceptions. Their views on life and of life are different. It is quite clear that Hindus and Muslims derive their inspirations from different sources of history. They have different epics, their heroes are different, and they have different episodes. Very often the hero of one is a foe of the other and likewise their victories and defeats overlap. To yoke together two such nations under a single State, one as a numerical minority and the other as a majority, must lead to growing discontent and final destruction of any fabric that may be so built up for the Government of such a State." This approach, as stated earlier, had been the result of certain ideas and ideologies that were sweeping the people of the sub-continent to which poet Iqbal had made a substantial contribution. He declared more than once that "a united India will have to be built on the foundation of correct fact, i.e. distinct existence of more than one people in the country. Sooner the Indian

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<sup>5</sup>Syed Amir Ali 'The Spirit of Islam' p. 206.



leaders forget the idea of united Indian Nationalism based on something like an ideological fusion of the communities, the better for all concerned. There is no possibility of fusion between the Hindu and Muslim cultures.”

It is obvious that the fusion of cultures and the attendant evolution of common nationhood rests on some common traits in the fusing cultures. No such common trait was traced or found by the Indian National Congress during the period before independence. It was only at one stage that Hindu India, under the leadership of Gandhiji, thought of using the Khilafat Movement of the Muslims as a cementing factor between the two communities. There too, the entire objective foundered on the rocks of revivalism of Pan-Islamism amongst the Muslims which accentuated the cleavage leading almost to a ‘Civil War’ between the two in the nineteen twenties. Another Muslim writer in a book published recently says : “The difference between the two nations, Hindu and Muslim, are more deep-rooted than those found between the two cultures or nationalities in Europe. Here our creed differs as much as the East from the West. The principles of our cultures are entirely different from those of the other. There is a wide gulf between our systems of morals. There is little unity between them on some of the traditions. Emotions and sentiments are mutually antagonistic.”

It was under such conditions prevalent in the country that the Congress leadership accepted partition, conceding that the Hindus and Muslims are two separate nations. As an aftermath they followed a sort of plebiscite in partitioning the country into Hindu India and Islamic Pakistan. The recognition and acceptance of Muslims as a separate nation posed a formidable problem to the Indian leadership in dealing with the Muslim minority left in truncated India. Besides, incorporation of Article 370 in the Constitution of India on the basis of mutual agreement between Sheikh Abdullah, the then Prime Minister of Jammu and Kashmir State, and Pandit Jawaharlal Nehru, the Prime Minister of India, led to acceptance of Kashmiri Muslims as a nation with special status and autonomy except in matters of Defence, Communication and External Affairs. That the Hindu leadership backed out of this commitment later is a different story.

Some Hindu leaders and writers consider Sikhs as part of the mosaic of religions known as Hinduism. This is said so and stressed because of the social affinity of the Sikhs with Hindus and adoption by them of some Hindu rituals. This is, however, contrary to the tenets and principles underlying Sikhism. Encyclopaedia Britannica describes Sikhism as "an Indian religion combining Islamic and Hindu beliefs founded in the late 15th century A. D. by Nanak, the first Guru (teacher)." Time and again Sikh writers and savants had to stress that Sikhism is a separate religion. Bhai Kahan Singh, a noted writer on the Sikh religion, had to write a long treatise on the subject. This is obvious from what the great tenth Guru declared when he addressed the congregation after the baptism ceremony of the 'Five Beloved Ones' on March 30, 1699. He said : "I wish you all to embrace one creed and follow one path, obliterating all differences of religion. Let the four Hindu castes, who have different rules laid down for them in the Shastras, abandon them altogether and adopting the way of co-operation mix freely with one another. Let no one deem himself superior to another. Do not follow the old scriptures. Let none pay heed to the Ganges and other places of pilgrimage which are considered holy in the Hindu religion or adore the Hindu deities, such as Rama, Krishna, Brahma and Durga, but all should believe in Guru Nanak and his successors. Let men of the four castes receive my baptism, eat out of the same vessel, and feel no disgust or contempt for one another."<sup>6</sup> It was the Khalsa Panth named as such that was formed. As stated by a noted Hindu writer, "Gobind Singh, in fact as well as in his work, was a natural product of the process of revolution that had been going on ever since the foundation of Sikhism. The harvest which ripened at the time of Guru Gobind Singh had been sown by Guru Nanak and watered by his successors. The sword which carved Khalsa's way to glory was undoubtedly forged by Gobind, but the steel had been provided by Nanak."<sup>7</sup>

The Sikhs believe in the Ten Gurus and the Guru Granth Sahib which has been given the status of a Guru in the words

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<sup>6</sup>Teja Singh and Ganda Singh 'Short Story of the Sikhs' p. 69.

<sup>7</sup>Sir Gokal Chand Narang 'Transformation of Sikhism' p. 25.



of the Tenth Guru in his last behest when he said : "O beloved Khalsa ! let him, who desireth to behold me behold the Granth Sahib. Obey the Granth Sahib. It is the visible body of the Guru....." The Khalsa, according to the basic principles, is a common-wealth in itself, a brotherhood of Sikhs not limited to any area or territory. It is a socio-politico-religious order, distinct and different from other religions, containing not only the principles for the uplift of the soul but precepts and guidelines for social conduct. Sikhism is not merely a faith nor does the Khalsa Panth comprise only a religious order but as Bhai Mani Singh, a contemporary and a close disciple of Guru Gobind Singh in his interpretation of the eleventh Ode of Bhagat Retnavai, says : "Brothers Jeta, Singara and Ganga Sehgal were brave and fearless soldiers and they presented themselves before Guru Arjan. Guru Arjan bade them to join the entourage of his son Har Govind who was to be the successor Guru and who, Guru Arjan said, had been assigned the task by God Almighty to protect the Sikh congregation through the use and power of arms and armaments. Hard times were ahead. The new Guru will make conquest that may lead to eventual political sovereignty of the Sikhs through the sword and will establish the Sikh hegemony of the spiritual words through the power of the divine word."<sup>8</sup>

According to the preachings of the ten Gurus and the principles laid down by them, the Khalsa Code enjoins attainment of purity with power, saintliness with soldiership and Bhakti with Shakti. The members of this politico-religious order are ordained to aspire ultimately for attainment of sovereignty and supremacy for the benefit of and service to humanity. In this context every Sikh is directed to include in his prayer the slogan 'Raj Karega Khalsa'. A religious slogan when interpreted politically included in the daily Sikh prayer is no superfluity but a genuine expression of the direction and desire and ultimate goal of the Sikhs. It is against this background that the Gurdwaras which are the religious places of worship of the Sikhs are not only the centres for religious preachings but serve as places for the Sikhs to meet together and decide their future.

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<sup>8</sup>S. Kapur Singh 'Sikhism and Politics' Sikh Review, Calcutta, August, 1971.

The Golden Temple, and the other Gurdwaras, have a theopolitical status in the religion, history and traditions of the Sikhs.

It was the Sixth Guru, Guru Har Gobind, who had built the Akal Takhat edifice opposite to the entrance bridge of the Golden Temple, where he donned two swords representing the spiritual and material aspects of human duty, thus projecting before the world that Bhakti i.e. devotion, morality and truth and Shakti, i.e. power to protect these, go together. Wearing these two swords he sat in state symbolizing the two aspects of life as a guidance to posterity. Therefore, the Akal Takhat, according to Sikh teachings, is the fountain-head from where Sikh traditions, Sikh culture and the Sikh way of life flow to the world at large.

“With the collapse of the political power of the Sikhs after the martyrdom of Banda Singh Bahadur, the Golden Temple became the centre of people’s devotions, political power and spiritual thinking, where the Sikhs gathered during all these 250 years despite all sufferings and sacrifices, to take decisions on their future. More than once, the Golden Temple and its adjuncts had been razed to the ground and the area occupied by the foreign rulers, but the determination of the Sikhs to attain freedom and sovereignty remained. They always kept and maintained the Golden Temple and the building attached thereto as the centre of their activities, political, social, cultural and religious, not as a matter of concession from or sufferance of any power, but as an inherent right of the Panth—a politico-religious society to represent the Sikhs. This right has never been subject to any compromise or deviation. This status and position of the Golden Temple is unprecedented in the religious and political history of the other people. The Golden Temple for the Sikhs is not only a religious centre; it represents an institution where they have a right to gather, deliberate and decide their future. They have fought for the right for the last four centuries and they have maintained this right, come what may.”<sup>9</sup>

Hence, the Sikhs consider themselves a distinct order, politico-religious, homogeneous and cohesive, on the basis of a common

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<sup>9</sup>“Ajit Singh Sarhadi ‘Punjabi Suba, the Story of the Struggle’ p. 328.



religion, language, traditions, history and culture, and cannot be expected to allow themselves to merge with any other section of the Indian Society. They fought in the national struggle shoulder to shoulder with the Indian National Congress and made sacrifices out of all proportion to their numbers through their organisation, the Shiromani Akali Dal; but they expect that their future, as a separate entity, in areas where they are in minority would be secured in the country.

The different and diverse characteristics of various sections of the people in India, with different religions, races, languages, and cultures at different levels and with separatist outlook, give rise to an irresistible inference that it is well nigh impossible to weld them into a nation. Jawaharlal Nehru wrote : "It was absurd to think of India or any other country as a kind of anthropomorphic entity : I did not do so. I was also aware of diversities and divisions of Indian life of classes, castes, religions, races, different degrees of development. Yet I think that a country with a long cultural background and common outlook of life can develop a spirit that is peculiar to it and that is expressed on all its children, however, much they differ amongst themselves."<sup>10</sup> But this view was expressed a long time back. Much water has since flowed under the bridges. The two-nation theory was subsequently accepted and the country partitioned. The peoples of India are to be seen in the light of the admitted facts that there is no common outlook and no common cultural background. A group of people do not come to form a nation simply because they happen to be under one system of government because of certain circumstances. Historically, India did not become a nation under the Mughals who held sway over the entire country. Nor did the country become a nation when Ashoka extended his kingdom to the South and consolidated the entire sub-continent into one state. There are certain characteristics that are necessary to constitute a people into a nation. Dr. Radhakrishnan has said : "A nation is not a juxtaposition of individuals. It is a society based on communion of mind and union of hearts." There are several other criteria on the basis of which it is to be assessed whether India is or can become a nation. The most liberal definition in

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<sup>10</sup>Jawaharlal Nehru 'Discovery of India' p. 287,

that regard can be, "a nation is a historically evolved stable community of language, territory, economic life and psychological make-up manifested in a community of culture." The members may belong to different religions which is not a lasting factor but there must be a community of culture with common outlook which can only flow from common language, territory and mental make-up. Jaques Maritain in 'Man and the State' defines a nation "as a community of people who become aware of themselves as history has made them, who treasure their own past, and who love themselves as they know or imagine themselves to be, with a kind of inevitable introversion."

Another criterion has been laid down by Renan, the French historian and jurist relating to the constituents of a nation i.e. race, language and territory. He thinks that these factors alone do not make the basis of a common nationality. He writes : "Race must not be confounded with the nation. The truth is that there is no pure race; and that making politics depend upon ethnographical analysis is allowing it to be borne upon a chimera.....racial facts, important as they are in the beginning, have constant tendency to lose the importance. Human history is essentially different from zoology. Race is not everything, as it is, in the sense of rodents and felines." Regarding language, he states that the United States and England, speak the same language and yet do not form a single nation. On the contrary Switzerland, which is a conglomeration of several languages, is welded into one nation by mutual consent of her diverse elements. In man there is something superior to language and that is will. The spontaneous aspiration of the variegated Swiss people to remain as one entity is more fruitful than to attain the same objective by coercive means. Regarding common territory, Renan writes : "It is no more the land than the race that makes a nation. The land provides a substratum; the field of battle and work; man provides the soul; man is everything in the formation of that sacred thing which is called a people. Nothing of material nature suffices for it."

Therefore, according to him, the definition of a nation is : "A nation is a living soul, a spiritual principle. Two things which in truth are but one, constitute this soul, this spiritual principle. One is in the past, the other in the present. One is the common possession of a rich heritage of memories; the



other is the actual consent, the desire to live together, the will to preserve worthily the undivided inheritance which has been handed down. Man does not improvise. The nation, like the individual, is the outcome of a long past of efforts and sacrifice and devotions. Ancestor worship is, therefore, all the more legitimate; for our ancestors have made us what we are. A heroic past, great men, glory..... I mean glory of the genuine kind,..... These form the social capital upon which national idea may be founded. To have common glories in the past, a common will in the present; to have done great things together, to will, to do the like again.....such are the essential conditions for the making of a people. We love in proportion to the sacrifices we have consented to make, to the sufferings we have endured. We love the house that we have built, and will hand down to our descendants. The Spartan hymn 'We are what you were; we shall be what you are' is in its simplicity the national anthem of every land."

"In the past an inheritance of glory and regrets to be shared, in the future a like ideal to be realised ; to have suffered, and rejoiced and hoped together : all these things are worth more than custom houses in common and frontiers in accordance with strategical ideas ; all these can be understood in spite of diversities of race and language. I said just now, 'to have suffered together' for, indeed, suffering in common is a greater bond of union than joy. As regards national memories, mournings are worth more than triumphs ; for they impose duties; they demand common effort."

Quincy Wright defines a nation as "a perfect community." He however, adds : "Even though people feel themselves members of a group, the group is not an effective society unless it has the unity which flows from an organisation and a procedure for manifesting the common will and giving it a fact both internally and externally. The intensity of nationhood is reassured by the degree of resistance which the population offers to disruption of the nation state."<sup>10</sup>

The Study Group of the Royal Institute of International Affairs in its Report spells out the ingredients of a nation as follows :

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<sup>10</sup>Quincy Wright 'A Study of War' p. 487.

- (a) The idea of a common government whether as a reality in the present or past or an aspiration of the future.
- (b) A certain size and closeness of contact between all the individual members.
- (c) A more or less defined character.
- (d) A certain degree of common feelings or will associated with a picture of a nation in the minds of the individual members.

The term nationality has been used in the report to denote condition of belonging to a nation in the above sense. The origin of those non-political groups as cultural nations is best explained on the hypothesis that they are either the relics of a vanished political organisation or have become constituted or fanned with aspiration towards that objective.

Sizing up the characteristics of different sections of the people in India from the criteria laid above, it cannot be disputed that India is multi-national in character and that the Hindus and Muslims have been held to be separate nations, Sikhs, too, who possess a common language, religion, history, traditions and now, a territory as a consequence of linguistic sub-division of the country, can be considered a nation. The inevitable conclusion is that Jammu and Kashmir with 67 per cent Muslims, Punjab with 61 per cent Sikhs and Nagaland with 81 per cent Christians are nation states. The Hindus, Muslims, Sikhs and Christians constitute national minorities in States and Union Territories where they are lesser in number.

The present conditions in the make up of its population have not changed and the observations of Sir Valentine Chirol, a distinguished British observer who had made a special study of Indian conditions, equally are relevant today. "India has never approached political unity any more than Europe has, except under the compulsion of events. For India and the continent, both are inhabited by a great variety of nations whose different racial and religious affinities, whose different customs and traditions tend to divide them..... We too often forget that caste has driven into the Indian society lines of far deeper cleavage than any class distinction that has survived in Europe."

A.M. Diakov, a Soviet specialist who had toured the country



in 1946, observed that he doubted if the whole population of India could be deemed a single nation. He said that "with neither a common language nor a common national character, India does not make one nation." He debunked the much vaunted Indian claim to a cultural unity which is not greater than the common culture in the different peoples of Europe, of the Far East, and of the Middle East."<sup>11</sup>

K.M. Panikkar, the noted Indian historian, also supported this view and stated that since the advent of Islam in India, Hindus and Muslims have existed as two different nations and observes : "The main social result of the introduction of Islam as a religion into India was a division of a society on a vertical basis. Before the tenth century, Hindu society was divided horizontally and neither Buddhism nor Jainism affected the division. They were not unassailable elements and fitted in easily with the existing divisions. Islam on the other hand split Indian society into two sections from top to bottom and what has come to be known in the present phraseology of today as two separate nations, came into being from the beginning. At all stages they were different and hardly any social communication or intermingling existed between them."<sup>12</sup>

Sikhs and Muslims, on the grounds of the socio-religious character prescribed for them, cannot basically be called minorities. The term minority has been defined differently. According to Schermehorn, "minorities are such groups within a culture which are distinguished from the dominant group by reasons of difference in physiognomy, language, custom or culture or patterns (including any combination of these factors). Such sub-groups are recorded as inherently different and 'not belonging' to the dominant group; for this reason they consciously or unconsciously are excluded from full participation in the light of the culture."<sup>13</sup> Wirth states : "We may define a minority as a group of people who because of their physical or cultural features are singled from others in the society in which they live for differential or unequal treatment and, therefore, consider themselves as objects of collective discrimination."<sup>14</sup>

<sup>11</sup>Selig S. Harrison 'India, the Dangerous Decade' p. 157.

<sup>12</sup>K.M. Panikkar 'A Survey of Indian History'. p. 129.

<sup>13</sup>Gopi Nath Srivastava 'Language Controversy and the Minority' p. 68.

<sup>14</sup>Wirth 'Minority Groups' p. 247.

According to these definitions, sub-entities within a cultural group possessing different cultural patterns may constitute a minority, but when a group is of sizeable number, has a distinct culture, a different language, a separate religion, or any cognate characteristics then it cannot be called minority as such, but it can be designated as a nationality or national minority.

Parallel religious revivalism among the Hindus, Muslims and Sikhs towards the later part of the nineteenth and the earlier part of this century, as already discussed in the foregoing pages, had created a cleavage and a gulf which made these three sections of the society consider themselves as separate nations. After partition, however, another 'nationalism' has grown in the form of 'linguistic nationalism'. In fact, "nationalism is a state of mind in which supreme loyalty of the individual is accorded to the nation state." It is, however, a modern definition and is changing with the times, countries and climes. It was a dominating force in Europe in the 19th century. The present century has witnessed the rise of nationalism in Asia and Africa. In India a feeling of loyalty to language, religion or culture is inherent in the people. The induction of this neo-nationalism based on the mother tongue has not been an exception in this country. It is part of a world movement. In this connection the observations of Professor Toynbee are significant : "The growing consciousness of nationality had attached itself neither to traditional frontiers nor to geographical association but almost exclusively to the mother tongue."

In India, however, neither the geography nor the territory was any obstacle in the way of the growth of this 'Linguistic Nationalism'. The principle of linguistic States had already been accepted by the Indian National Congress as far back as 1920 when at the Nagpur session a resolution was passed to that effect. No doubt, the Linguistic Commission in 1948 recognised the linguistic aspirations of the people and viewed the matter thus : "The linguistic homogeneity in the formation of new provinces is certainly attainable within a certain limit but only at the cost of creating fresh minority problems." It further observed that, "the non-fulfilment of a demand of this nature may easily lead to a sense of frustration and there is a grave risk in turning it down, and such risk can only be justified in the interests of a national emergency." The Commission



recommended that in its view such an emergency existed and observed that "the first and last need of India at the present movement is that it should be made a nation. The Constitution which is now being forged for India, as also the multi-farious problems which clamour for immediate solution have got to be considered in relation to paramount necessity. Everything which helps the growth of nationalism has to go forward and every thing which proves an obstacle has to be rejected and should stand over."

The feeling of 'Linguistic Nationalism' mounted and became a tidal wave. When the Government tried to cast a Nelson's eye on it, a storm burst in the southern part of the country. An adherent of the movement, Sree Ramulu, went on a prolonged hunger-strike and died. He thus donned the role of a martyr in the cause of linguism as his death forced the hands of the Union Government to announce the creation of the new State of Andhra Pradesh. A one man commission was appointed to demarcate its boundaries. It was followed by the appointment of the States Reorganisation Commission in 1953. The Commission in its report anticipated the linguistic problems of minorities that were likely to arise but felt that these were not unknown outside India and referred to similar occurrences in Yugoslavia and the Soviet Union where the linguistic minority groups were large enough to claim political reorganisation. The Commission further recorded that identical problems also existed in the other States of Europe. It, therefore, recommended : "It is obviously advantageous that constituent units of a federation should have maximum measure of internal cohesion. Likewise, a regional consciousness not merely in the sense of negative awareness or absence of repression or exploitation but also in the sense of scope of positive expression of the collective personality of a people inhabiting a State or region, may be conducive to the contentment and well being of the community. Common language may not only promote the growth of such regional consciousness but also make for administrative convenience..... The objective, therefore, of community of language between the people and the government is not wholly unexceptional but also useful for administrative convenience." It was in pursuance of this report that the linguistic States of the South were reorganised although Bombay

was left untouched. Later in 1960, Bombay was also split up on a linguistic basis into Maharashtra and Gujarat States. Punjab was kept bilingual on communal grounds and subsequently bifurcated in 1966, and a separate Punjabi State was carved out on linguistic basis.

The creation and demarcation of States on a linguistic basis and the recognition of the regional languages enkindled the Hindi philology leaders to become more virulent in the diffusion of Hindi. Hindi had already been recognised as the national language by the Constituent Assembly. The circumstances in which it attained this recognition are very aptly described by Dr. Ambedkar : "There was no Article which proved more controversial than Article 115 which deals with the Hindi question. No Article produced more opposition. No Article more heat. After a prolonged discussion when this question was put the vote was 78 against 78. The tie could not be resolved. After a long time when the question was put to the party meeting, the result was 77 against 78 for Hindi. Hindi won its place as a national language by one vote."<sup>15</sup> It would be interesting to note that Hindi secured the vote of a Sikh representative to become the national language.

Hindi is a minority language in India. The percentage for each of the languages of Schedule Eighth are : Assamese 1.5, Bengali 7.7, Gujarati 4.5, Hindi 30.4, Kashmiri 0.4, Punjabi 2.5, Tamil 7.7, Telugu 8.6, and Urdu 5.3. But if we include Behari which is spoken by 16.8 and Rajasthani by 14.9 millions which are claimed by its advocates as dialects of Hindi, then also the percentage of Hindi on an all-India basis comes to 40.6. These dialects, however, differ from Hindi spoken by 30.6 per cent of the population. According to Gandhiji's definition, the language which is spoken in northan India and which is written either in the Devanagri or Persian script is Hindi, and he refused to believe that Urdu and Hindi were two different languages. He said that it is the literary "Sanskrit Pandits of Prayag and Maulvies of Aligarh who by means of conscious borrowing from Sanskrit and Persian respectively have created a cleavage and brought the rift between the two." Hindi as at present used by All India Radio and other media is the language of the literary and bourgeois and not of the masses. The

<sup>15</sup>Dr. Ambedkar 'Thoughts on Linguistic States'.



opposition to the imposition of Hindi was expressed in the Constituent Assembly. A Congress member, Mr. I.A. Ramalinga Chettiar, said : "We do not feel we are a nation to whom the whole country belongs. It is not even the things that have been said—we have given up our language in favour of Hindi—but the way in which the Hindi-speaking people treat us and the way they want to demand from us which is more galling..." The militant attitude of the Hindi speakers was mirrored by R. Voholker, a member from Uttar Pradesh, who said : "I say it is the official language and it is the national language. You may demur to it. You may belong to another nation, but I belong to the Indian nation, the Hindi nation, the Hindustani nation. I do not know why you say it is not the national language." The manner in which Hindi has been Sanskritized thereafter leaves no room for doubt. Sanskritization was supposed to enable Hindi to come closer to most of the other Indian Languages except Urdu. The zeal and the sectarianism at the back of its propagation is obvious from the speech of a Congress leader who declared : "We have accepted democracy and democracy can only function when majority opinion is honoured. If we differ on any issue, that can only be decided by votes. Whatever decision is arrived at by the majority must be accepted by the minority respectfully and without bitterness."<sup>16</sup> The tragic part in the adoption of the Hindi as the national language was the motivation behind it, which was to identify it with Hindu culture. It is for this reason that it engendered reaction in different cultures and groups, the most virulent being in the Southern States.

The first report of the Official Language Commission appeared in 1956. Shri B. G. Kher, leader of the Hindustani Pracharini Sabha and a renowned advocate of replacement of English by Hindi, was appointed Chairman of the Commission. Therefore, it was no surprise that the Commission observed that the Union Government should adopt an active role in implementing a comprehensive policy for the replacement of English by Hindi. This recommendation was made despite a clear admission by the commission that, "a language, as we observed elsewhere, is the standing record as well as contemporary expression of the

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<sup>16</sup>Jyotindra Dass Gupta 'Language Conflict and National Developments' p. 134.

culture and experience of the particular group speaking that language. It is the loom on which these cultural patterns are woven, it is obvious to us that all of us who are justly proud of our common cultural inheritance must cherish and develop all languages, more especially all those important languages of India recognised by the Constitution as such." The realistic approach to the problem of replacing Hindi by English at the all-India level was made by a member of the Commission, Sunil Kumar Chatterji, a Bengali writer and author of several Hindi books. He appended a dissenting note along with some other members and his views mirrored the feelings of the vast majority of the non-Hindi speaking population of the country. According to him, replacement of English, "will mean for non-Hindi peoples the starting of a progressive imposition of Hindi in most spheres of life. The report has been prepared on the assumption (on the basis of the present Constitution, of course) that Hindi has already been voluntarily accepted by the whole of India, that non-Hindi people are as much eager for its use in most spheres of our All-India affairs as speakers of Hindi and that it will be something anti-national not to try to replace English in the entire administrative, legal and political frame of India, and largely in the educational cadre also. The entire outlook is that of the Hindi speakers in the Indian Union, who alone are to profit immediately, and for a long time to come, if not forever. I fear that in the entire report there is very little evidence of an attempt to understand the feelings and the intellectual approach of the non-Hindi speaking peoples for their own languages, and also for English (as it is sincerely regarded by them to be the most necessary thing for the development of science and letters in India, for the preservation of the unity of India, and for the maintenance of the pre-eminence of India in the modern world)."

He further felt that the acceptance of the recommendations of the Language Commission would evoke the desired reaction amongst both the advocates and adversaries of Hindi. He felt that people outside the Hindi orbit found Hindi not yet fully developed to take the place of English. Even the most ardent supporters of Hindi were alive to its manifold deficiencies as an effective medium of instruction. Further, in the matter of higher vocabulary, it did not have a consistent policy. Besides,



there were three or four conflicting but strong tendencies to its development. In his view, the recommendations appeared to have ignored the consequences. The report evidenced a subdued but desperate haste to introduce Hindi for the whole of India. The year 1965 remained with the report a target date, although the majority report admitted that, "it has not been possible for us to furnish a regular time-table by dates and stages as to how Hindi should be introduced into the business of the Union so as to accomplish the general change-over within the period fixed by the Constitution." The dissenting note further pointed out that the linguistic conflict created by the adoption of Hindi as the national language and the formation of linguistic States and cognate development of regional languages "makes it imperatively necessary to keep intact our most precious heritage of Indian unity, to revise our views about the extent to which we should push Hindi and the speed with which we should try to make it the *Rashtriya Bhasha* or State or official language of India, and to reorient our official attitude towards both Hindi and English (particularly in the Centre and the Hindi States, and amongst Congress circles)."

His reasons in support of retaining English, were : "People in non-Hindi areas agreed to accept Hindi, some with enthusiasm, and others with doubt and misgivings mainly because they had an uneasy feeling that India lacked that linguistic unity which was thought to be so vital for a free people. It was thought desirable that as a free nation, India should set up an Indian language as a symbol of her national unity and give it the status of an official language. The situation has changed since the passing of the Constitution, specially in West Bengal and in Madras, where large sections of the people would like to keep English as the official language of India, both because of their love for their own languages which have benefitted through English and also for reasons of Indian unity." He observed, "in the meanwhile, from the press and platform an atmosphere has been created that Hindi is to be regarded as one of the pillars (if not the very pivot) of Indian nationalism. People of those States where Hindi has already been adopted as the language of education of public life and of literature have enthusiastically supported this idea." Justifying the retention of English, he felt, that, "English is universally acknowledged to be the window

through which we can have air and light from outside." Therefore, it has to be accepted that English is an indispensable language not merely for a stop-gap period but for all time to come. He felt that English raised the general intellectual level and observed, "it is generally said that English education tends to bring about a spirit of separatism and aloofness from the masses. This might have been the case with a few misguided enthusiasts at the beginning, (e.g., 'the Young Bengal' students of the forties of the last century) but we shall be wanting in gratitude if we do not pay our homage to the English-knowing intelligentsia who have silently brought about the general intellectual uplift of the people as a whole, and have been the guides and directors of the national upsurge and leaders of the freedom movement."

Vehemently pleading that unity can only be retained through the liberalism which English has brought to the country, he wrote : "nationalism now a days in most countries has lost or is losing its liberal atmosphere, its tolerance and spirit of peace and goodwill for all. It is now becoming exclusive and intolerant and totalitarian. In India we are not free from the danger and we apprehend that India is running the risk of being split up into a number of totalitarian small nationalities of this type. To fight this, we must slacken our insistence upon one regional language being given undue prominence over the rest, in the name of national unity. And our great ideal of Panch Shila (as formulated for the individual by Buddha over 2500 years ago, for a nation by President Sukarno of Indonesia in 1945, and for international peace and well-being by our Prime Minister Jawaharlal Nehru in 1954) will help us to maintain a liberal attitude. The insistence upon linguistic unity to be brought about by any means and at any price, when such a linguistic unity does not exist, will not serve the cause of the liberal nationalism in India. The Indian spirit found a congenial atmosphere in the liberal spirit of the English language that brought to us the best that Europe had to give us."

The foregoing extensive quotation from the dissenting note establishes that linguistic nationalism and bigotry seizing the minds of the intelligentsia of the country nine years after independence produced pro-Hindi riots in U.P. in 1963-64 and anti-Hindi riots in the South in 1965. No heed was paid to warnings. The



All-India Language Conference was held on March 8, 1958, where great statesman and scholar C. Rajgopalachari, who had always correctly felt the pulse of the country, conveyed the sentiments of non-Hindi people when he said that "Hindi is as much foreign to the non-Hindi speaking people as English to the protagonists of Hindi." In explaining the object of the conference, Rajaji had said that, "they were engaged in a fight with those who wanted to impose Hindi." Frank Anthony, the representative of the Anglo-Indian community, warned : "Worse than the stylish unreal character of the new Hindi is the fact, that it has become increasingly the symbol of all that is reactionary and retrograde in the country. The new Hindi is the symbol of communalism; it is a symbol of religion ; it is a symbol of language chauvinism, and worst of all, it is a symbol of suppression of minority languages." Master Tara Singh, the Sikh leader, speaking at the conference, referred to the aggressive nature of Hindi agitation in Punjab, and the way in which organised Hindi groups identified Hindi with Hinduism and Hindustan and concluded by saying, "that Hindi imperialism was a new menace posing a great danger to the Indian unity." Therefore, the conference in its main resolution recommended "the continuance of English as the Union language without any time limit."

As observed earlier, Urdu had been the first casualty at the hands of Hindi imperialists as far back as 1881 when it was replaced by Hindi in Bihar as an official language. This had serious reaction amongst the Muslims and gave incentive to the Aligarh School led by Sir Syed Ahmad Khan. After partition, though it was recognised as one of the 14 languages in the eighth schedule, it was given no quarter in Uttar Pradesh which was the birth-place of Urdu. Begum Aizaz Rasula, a prominent member of the State Assembly, complained "that nearly all the regional languages mentioned in the Constitution were getting official support in one State or the other, but though Uttar Pradesh was the leading centre of Urdu, that language was not given any protection."

The genesis and growth of the 'Dravida Munnetra Kazhagam' party is directly connected with regional and linguistic nationalism in the South. A brief narration of its rise is therefore called for. The movement originally started with the birth of the Justice

Party in 1916 as a protest against the monopoly of the Brahmins in all walks of life in Madras despite the fact that the non-Brahmins constituted 96 per cent of the population. The Justice Party grew into the Dravida movement when E. V. Ramaswami Naicker, once Secretary of the Congress Party, started the crusade, with a 14-point programme aiming at socio-economic betterment and also advocating the right of Tamil Nadu (Madras) to be constituted as a separate State. These 14 points stressed by the party were formulated in 1925. In fact, it was the first secessionist movement sponsored by an organised party that prompted poet Iqbal to demand a separate Muslim region in 1930 and Jinnah to raise a similar slogan in 1940. Naicker inducted militancy into the movement and directed its members to wear black shirts symbolising the sympathy for the down-trodden condition of the Dravidians. The movement represented the four languages of the South, and after independence it grew into the Dravidisation movement. It later split up into two factions, one led by Naicker under the label of D. K. (Dravida Kazhagam), and the other by his follower C.N. Annadurai, known as Dravida Munnetra Kazhagam (Dravida Progressive Party). The D.M.K. while under the banner of the secession slogan, also laid emphasis on the economic aspect of its programme. The parties, however, due to the rift, could not do well in the 1957 elections though the D.M.K.'s performance was better than that of the D.K. the D.M.K., nevertheless, gained strength in the 1962 general elections with the slogan of secession and anti-Hindi imperialism, and at the same time stressing economic development.

This led to the 16th amendment in the Constitution on October 5, 1963, which provided that every candidate for election to Parliament or the State legislature must swear "allegiance to the Constitution of India as by law established." And, "I will uphold the sovereignty and integrity of India." The amendment put the D.M.K. leaders in a dilemma because the secessionist slogan was the axle-tree of their party. They, therefore, sought to resolve this dilemma by demanding unqualified enforcement of self-government or the State sovereignty and autonomy. "Our opponents have labelled the demand aiming at secession.....The problem before us is now how we are to accommodate the theory of self-government within the frame-



work of anti-secession constitutional amendment.” They clarified that the independent Dravida Nadu which they envisioned was to be a part of the Union of India. Under the changed circumstances, the party leadership diverted its energy to opposition of Hindi as the national language. This change in tactics found the ground fertile since the Official Language Act, 1963, provided for the retention of English for use with a stipulation in Section 3 of the Act, “that the English language may, as from the appointed day continue to be used, in addition to Hindi, (a) for all the official purposes of the Union.....and (b) for the transaction of business in Parliament.” The option given in this proviso for use of English was taken up as basis for agitation and it was stated that this was illusory, and that de facto appropriate authorities and official machinery would use only Hindi and not English. The Prime Minister, no doubt, had said that the object of the clause was “to remove a restriction which has been placed by the Constitution on the use of English after 1955.” Despite this declaration, the option clause was considered as an attempt to eliminate the use of English by the Central Government. It led to agitation for retention of English as the official language of the Union. This move came home to roost as the Hindi-speaking population now raised a crescendo against English language imperialism with a view to focussing mass attention on the ouster of English with an appeal for retention of regional languages in the Public Service examinations. The Hindi movement flared up in the Hindi belt States leading to riots and breaking of English sign boards on shops and car-plates. This led to a sharp backlash in the non-Hindi speaking areas in South where counter-movement was launched by the D.M.K. with a clarion call for a mass agitation. The Republic Day of 1965 was declared as a protest day. It was at this time that a young secretary of D.M.K. of Madras set himself ablaze in the centre of a public street, thus immolating himself for the cause of non-imposition of Hindi and left a letter stating that “his body belongs to the earth but the soul was Tamil.” This was the second martyrdom in the cause of intense linguistic nationalism. It had an immediate repercussion leading to riots and disturbances throughout Madras which were more extensive than those witnessed in 1942. It was as a consequence of this

agitation that the Central Government was compelled to announce on February 17, 1965 : "We wish to state categorically that the assurance given by Shri Jawaharlal Nehru and reaffirmed by our Prime Minister will be carried without qualification and reservation...with Hindi as official language of the Union, English will continue as long as non-Hindi people require it." The Official Language Amendment Act, 1967 legalised this assurance for the continuance of English in addition to Hindi for all official purposes of the Union, and for transaction of business in Parliament and for communication between the Union and States which had not adopted Hindi as their official language. It also provided for rules to ensure that persons with proficiency either in Hindi or English could function effectively in the Government. This act was instrumental in bringing about reconciliation of conflicting viewpoints on the official language policy of the Union, and in paving the way for acceptance of two-language policy for official transactions. A cognate resolution accepted the Three-Language Formulae for educational purposes with the proviso that the Union Public Service examinations could be conducted in the regional languages for candidates conversant with Hindi or English.

The 1967 elections in Madras brought the D.M.K. to power. The secessionist slogan was substituted by the anti-Hindi slogan which reaped a harvest, and the party captured 139 out of 234 seats. The Congress secured only 49 seats. In the incipient stages, the D.M.K. had focussed its attention on anti-Brahminism, but subsequently turned to a anti-Hindi movement which was supported by all sections of the people in the Southern States. Immediately after the installation of the ministry, the D. M. K. leader declared that his party was going to "press for constitutional amendment for immediate recognition of official status for all the languages and keeping English as link between the States and the Centre."

Linguistic nationalism was not limited to the Southern States only, but it spread to the North with greater intensity and ferocity. In fact, linguistic nationalism in the North took an ugly turn as it assumed the trappings of religio-linguistic nationalism gripping over ten million people mainly Sikhs. The partition of the country had uprooted a large number of Punjabi-speaking people who had migrated to the erstwhile East Punjab and to



other parts of the country. The bulk of the refugees had settled in East Punjab, mainly in the northern districts. The 1952 census created a bitterness in the State for the reason that the adherents of Hindi started an intensive campaign appealing to the Hindus to disown Punjabi and declare Hindi as their language. This had its sharp reaction on the Punjabi speaking people mainly Sikhs. It began to be felt that East Punjab, as it stood then, was neither culturally nor linguistically homogeneous. In Patiala and East Punjab States Union (PEPSU), Punjabi was the recognised language, yet there were certain areas where it was neither used nor treated as the State language. East Punjab, of course, had been declared bilingual, though a very small portion of its area could be called Hindi-speaking.

It was against the backdrop of the language controversy that the Akali Dal took up from 1950 onwards the stand for a linguistic State. This stand was explained by one of their spokesmen : "The demand for a Punjabi-speaking province is entirely democratic. It has nothing of separatism or disruptionism about it. We do not want a separate State, much less an independent one. We only ask for adjustment of boundaries on a purely linguistic and cultural basis.....It is cruelty on the part of some sections to misunderstand us, and sheer dishonesty on the part of those who misrepresent us." Explaining further, the spokesman said, "the Sikhs have never made an illegitimate demand. Now too the chief grievance is that Punjabi is the language of this province and the Hindus are disowning it. Hindi has the national status and will be an all-India language. The Hindus are refusing a rightful place to Punjabi even in Punjab itself. The Congress has already accepted the principle of linguistic States and is acting upon it. The Sikhs demand the creation of a linguistic State on the basis of Punjabi. Since this otherwise benefits them, it is being refused even though it is neither a religious nor a communal demand."

The intensification of the movement for a linguistic State created a fissure in the two communities. The Sikhs sponsored the move but the Hindus, though Punjabi-speaking were swayed by communal feelings and became the ardent supporters of Hindi, disowning Punjabi and opposing its recognition as the State language. It also led them to oppose stoutly the demarcation of a

Punjabi-speaking area. The martyrdom of Ramulu for the cause of Andhra had its reaction in the North too, and Sampuran Singh Raman, the then Chairman of Pepsu Akali Dal, sought permission of the president of his party to go on hunger strike on the lines of Ramulu. He declared : "The Sikhs have all along sided with the Congress and have made tremendous sacrifices for their motherland. But when the question of granting protection to their cultural traditions and the language comes, the Congress not only refuses to honour its past pledges, but maligns the Sikh leaders as reactionary and disruptive. The only way of getting justice from such a corrupt and hypocritical administration is to rouse the conscience of the people by making a personal sacrifice." He went on hunger strike, was arrested and lodged in jail in Delhi, forcibly fed for a long period, during which his health was totally shattered. The movement for the linguistic State was further intensified when the Punjab Government imposed a ban on 6th April 1955, on slogans connected with a demand for Punjabi Suba. This gave an opportunity to the Shiromani Akali Dal to defy the ban and declare in its resolution on 10th May 1955, the launching of a peaceful morcha (campaign) to secure a Punjabi-speaking State. When the ban was not lifted, Master Tara Singh and about 1,000 prominent Akali leaders and workers, courted arrest on May 17, 1955. This further gave an impetus to the movement and by the first week of July about 8,000 arrests were made. It was at this stage that the ban was lifted.

The appointment of the States Reorganisation Committee gave a ray of hope to the Punjabi-speaking people that the case for a Punjabi linguistic State was being considered but their demand was rejected. The report stated that "the solution suggested was not feasible", and that the new Punjabi-speaking State would still be bilingual. This was obviously a coloured approach on the part of the Commission who accepted the viewpoint of a section of the rabid communal Hindus, who disowned their mother-tongue, Punjabi. The Commission had, however, to admit the Punjabi character of the State when it said that "with the large influx of Punjabi-speaking people from Western Punjab in all the districts of the State, the line of demarcation between the Punjabi and Hindi-speaking area had been further blurred." This should have justified declaration



of Punjabi as the State language for the entire area, or a large portion of it. But strangely, this argument was used against recognition of Punjabi as the State language and it was recommended that Punjab should remain bilingual.

This produced a tremendous reaction on the Sikh masses who gave religious colour to the Punjabi Suba movement. The impression gained strength amongst the Sikhs that the rejection of their claim for the creation of a linguistic State was patently for the reason that such a State where they would be more effective would benefit them politically and enable them to break loose from the communal dominance of the Hindu majority. This reaction was voiced by Master Tara Singh, who declared at a conference held at Amritsar in December, 1955, that "they (Hindus) do not trust us and I do not know how to gain their confidence. A most complicated and dangerous situation is facing us, but we are not realising it..... I cry for Hindu-Sikh unity and some Punjabi Hindu spokesmen reply that unity would be attained only if one submits. I cry for equality, brotherhood and unity, and they offer me slavery and death..." He further declared, "we have demanded a Punjabi-speaking State as the only permanent solution of the Punjab problem. It solves both the question of communal domination and of language."

The success of the annual Akali Conference at Amritsar in 1956 and the massive procession taken out by the Sikhs made Prime Minister Nehru, who was simultaneously attending a Congress session there, realise the intensity of the feelings of the Sikhs on the issue. As a sequel a move for rapprochement started between the Sikh leadership and the Government of India and a settlement was arrived at on the basis of what was then known as the 'Regional Formula'. The creation of a region for the Punjabi language in the State of East Punjab was accepted by the Shiromani Akali Dal at its general body meeting in September 1956, through a resolution: "Our demand for a Punjabi Suba was not conceded, but a region would be carved out on the basis of language, wherein the Sikhs cannot be suppressed by sheer weight of numbers. The Regional Formula devised offers good prospects, of course, if honestly implemented in an atmosphere, wherein the Sikhs might be able to contribute their best to the service of the country."

This conditional acceptance of the Regional Formula by the Akali Dal was not appreciated by a certain section of Hindi imperialists. No sooner was the Regional Formula announced, this section with the support of Sikh quislings started sabotaging the settlement between the Sikhs and the Central Government. The Arya Samajist element in Punjab embarked on the Hindi Raksha movement under the dictatorship of Swami Atma Nand, an octogenarian Sanyasi, who launched a dharna (continuous sitting) at the secretariat on 13th April, 1957. Many demands were made, amongst which the most prominent were that Hindi should replace English at all levels of the administration and that all Government notifications at the district level and below should be bilingual even in the Punjabi region. The Hindi Raksha Movement spread throughout the State, creating bitterness between the Sikhs and the Hindus. The Congress-led State Government persuaded the leaders to give it up. The Finance Minister of the State Government wrote to Swami Atma Nand, "even in that part of the State where Punjabi is spoken predominantly free use of Hindi has been accepted." He implored them to give up the movement. The policy of the Congress-led State Government was to cast a Nelson's eye on the Formula as a result of which no regional committees were constituted till November, 1957. No sooner were they constituted, the speaker of the Vidhan Sabha gave a verdict stating that their status was no better than that of special committees of the House. The language settlement was not only not implemented, but was also made the subject of review by a "Two-Man Goodwill Committee" which took upon itself the functions of a language committee. By these and other ingenious manoeuvres, the Regional Formula was virtually liquidated.

Master Tara Singh was constrained to declare at Amritsar on June 14, 1958, that the Regional Formula was not being implemented by the Government. He gave notice to both the State and the Central Government to implement the Formula. The first Punjabi Suba [Conference was held on October 12, 1958, under the presidentship of Sant Fateh Singh, wherein an offer was made that the Akali Dal leadership was ready to accept arbitration on the functioning of the Regional Formula. The demand for Punjabi Suba was also reiterated at the conference.



The cumulative discontent amongst the Sikh masses, arising from the non-implementation of the Regional Formula and impact of the Hindi Raksha Movement, impelled the Akali leadership to announce that a procession would be taken out at Delhi on March 15, 1959. Apprehending the strength of the move, the State Government arrested Master Tara Singh and many other Akali leaders. The procession estimated at three lakhs was, however, taken out as scheduled in support of the linguistic State of Punjab.

It was in such a milieu that elections were held in January, 1960 to the Shiromani Gurdwara Parbandhak Committee—religious statutory body of the Sikhs—on the issue of the Punjabi State. Master Tara Singh was able to bag 132 out of 139 seats, reflecting the unanimous support of the Sikhs for the Punjabi Suba. Headed by Master Tara Singh, 132 members of the Shiromani Gurdwara Parbandhak Committee took a pledge on January 24, 1960 at the Akal Takhat, the highest seat of the Sikh religious authority, to make the supreme sacrifice for the achievement of the Punjabi Suba. This gave an impetus to the Punjabi Suba Movement, which took on a religio-linguistic hue and captured the minds of the Sikh masses. A convention of the representatives of the Sikhs, including prominent sympathisers from Hindus and Muslims, was held on May 22, 1960 at Amritsar where an announcement was made that a political procession would be taken out at Delhi on June 12, 1960, to express the depth of the feelings of the Sikhs on the issue. Master Tara Singh was, however, arrested and in the wake of this began the second Punjabi Suba Movement, ultimately resulting in the arrest of more than 50,000 Sikhs. This, however, made no dent either on the State Government headed by Partap Singh Kairon or on the Prime Minister. This made Sant Fateh Singh, on whom the mantle of leadership had fallen due to the absence of Master Tara Singh in jail, write a pathetic letter to the Prime Minister on December 18, 1960 saying : “In view of the happenings and because of the great lawlessness committed by the Government in opposing the constitutional and peaceful Punjabi Suba Movement, I feel that time has come when my country has failed in the democratic and constitutional way. It should be shaken and dictatorial methods of governing the country should be stemmed by self-

immolation.” He started his fast unto death on December 18, 1960. As an aftermath to this, Master Tara Singh was released and negotiations began between the Government and the Sikhs, culminating in the meeting between Master Tara Singh and the Prime Minister at Bhavnagar on January 7, 1961. This was followed by a broadcast by the Prime Minister on January 8, and Master Tara Singh directed Sant Fateh Singh to break his fast as he had secured an assurance from the Prime Minister, who had stated, “(a) that it was not on account of any discrimination against or distrust of Punjab or the Sikhs that the linguistic principle was not being applied to Punjab, but for other reasons which can be discussed and considered by mutual discussion ; and (b) that any other matter arising out of the Punjabi Suba would be discussed between the Government and the Akali Dal.”

The talks between the Sikh leadership and the Prime Minister broke down, leading to another fast by Master Tara Singh on August 15, 1961. The fast was abandoned on the assurance of the appointment of a high powered commission to “inquire into the general question of discrimination and examine any charge of discriminatory treatment or grievances of the Sikhs.” The high powered commission was, however, boycotted by the Akalis due to breach of faith by the Government in picking of personnel for the Commission. The Commission’s findings that there had been no discrimination were ex-parte. The Akali Movement, despite a rift between Master Tara Singh and Sant Fateh Singh, succeeded in pressurising the Government under Lal Bahadur Shastri to announce in October, 1965 that “out of the existing State of Punjab, a State with Punjabi as its language should be formed. The Government is requested to take the steps necessary for the purpose.” Consequent upon this, the religio-linguistic nationalist urge amongst the Sikhs had taken a different turn. Master Tara Singh’s Akali Dal had held a conference at Ludhiana in May, 1965 in which the following resolution was moved by Gurnam Singh, (later the Chief Minister of Punjab) and seconded by Gyani Bhupinder Singh, (then President of Master Tara Singh’s Akali Dal). This resolution echoed the D.M.K. cry for a separate Dravida State and read as follows :

“This conference recalls that the Sikh people agreed to



merge into common Indian nationality on the explicit understanding of being accorded the constitutional status of co-sharers in the Indian sovereignty along with the majority community, which solemn understanding now stands totally repudiated by the present rulers of India. Further, the Sikhs have been systematically reduced to sub-political status in their homeland, and to an insignificant position in their motherland, India. The Sikhs are in a position to establish before an international tribunal, uninfluenced by the present Indian rulers, that the law, judicial process and executive action of the Union of India is consistently and heavily weighted against the Sikhs and is administered with unbandaged eyes against the Sikh citizens."

"This conference, however, resolves after careful thought that there is no alternative left for the Sikhs in the interest of self-preservation than to frame their political demand for securing a self-determined political status within the Republic of the Union of India."

The magnitude of feeling for linguistic nationalism that seized the minds of the different sections of the people, particularly the major religious groups, is abundantly manifest from the situation that ensued on the implementation by the Government of the decision taken by the Congress Working Committee to form a State with Punjabi as its language. No sooner was this decision taken, there was confrontation from the pro-Hindi elements in Punjab followed by an all-out strike by the Hindus for three days in the State. The trouble spread throughout the State, but was more intense in the towns of Amritsar, Jullundur, Ludhiana, and Hissar. The police had to use teargas shells on several pro-Hindi crowds at different places. There were numerous cases of arson at Ludhiana, Panipat and Amritsar. The police had even to open fire on violent Hindi demonstrators at Jullundur, Bhiwani, Abohar, Jind and Ambala Cantonment. The Union Minister of State for Home Affairs was forced to admit in the Lok Sabha that the situation was difficult and tense. The trouble lasted for several days during which 2,528 arrests were made. More than 200 persons were injured and several killed. Damage to property amounted to Rs. 20 lakhs. Three Congressmen were burnt alive at Panipat. These outrages by the Hindi

imperialists had a serious repercussion in the country as a whole. It was felt that Hindi, which was synonymous with Hindu culture, was being imposed on the national minorities and other linguistic groups. The resolution of the Working Committee of the Jan Sangh at its meeting on March 10, 1967, was an eye-opener. It said, "the Working Committee is of the definite opinion that conceding the demand of the Punjabi-speaking State..... is an act of utter lack of foresight and an abject surrender of national interest and national integrity..... The Committee has no doubt about the threat that Akali separatism would ultimately endeavour to convert Punjab State into a communal Sikh State....."

It was after the formation of the truncated Punjabi Suba that the Akali Dal Legislature Party emerged as the single biggest party in the general elections of 1967. In co-operation with the splinter groups it was able to form a United Front Ministry in the State. The day-to-day deliberate interference by the Centre in the affairs of the State Administration and the efforts of the Congress High Command to sabotage the non-Congress Ministry of the state impelled the Akali leadership to sponsor a resolution in the Akali Conference held at Batala on September 30, 1968, on the following lines : "Great changes have come in the political field of the country during the last 40 years and as such new considerations have cropped up, necessitating reconsideration of the State-Centre relationship under the changed conditions.... and the Congress Party in power has abused the Constitution to the detriment of the non-Congress Government and used its power for its party interest..... The Shiromani Akali Dal demands that the Constitution of India should be on correct federal basis and State should have greater autonomy. The Shiromani Akali Dal feels that the Central Governments' interference in the internal affairs of the State and the obstacles it places in the proper functioning of the State machinery are detrimental to the unity and integrity of the country....."

Subsequently, the situation became explosive when the Congress High Command sabotaged the Akali Ministry by encouraging defections in the Akali Legislative Assembly Party on the reported promise of a governorship to the leader of the defectors. The statement thereafter by ex-Chief Minister, Badal



is very significant and is indicative of the trend in religio-linguistic nationalism in the North. Addressing a press conference on August 25, 1971 he said : "It would have been much better if the State of Punjab had been placed under martial law instead of the so-called President's rule following the resignation of the Akali Ministry, headed by me. "

"A diabolical type of stage managed Congress misrule in the garb of President's rule has committed unprecedented undemocratic, unconstitutional, illegal, uncalled for and highly unfair acts with a view to bringing the outrightly rejected Congress Party in the Assembly elections back to power."

"The dark repressions let loose against the Akali workers in particular and the Punjab Kisans and Sikh employees in general was to arouse the community to launch a bigger struggle for more autonomy on the basis of the Batala resolution." Badal further added : "The present is another such occasion when they (Sikhs) are passing through a crisis. Their representative organisation, Shiromani Akali Dal, following a secular path, was able to capture power in the State by evolving Hindu-Sikh unity; but the Central Congress Leadership spared no means to sabotage its fall by managing defections and purchasing some members with resources and patronage at their disposal. Had I not sought the dissolution of the Assembly to which I was constitutionally entitled, the Central Congress leadership was out to install a puppet Ministry of defectors to disrupt the Hindu-Sikh unity and demoralise the Sikhs."

The Shiromani Akali Dal Working Committee also at its meeting on August 3, 1971, criticised the Centre's policy of gross discrimination against the Sikhs and warned the Centre, "that if it did not give up its divisive, communal and anti-Sikh approach, it will be difficult for anybody to contain the resentment of the Sikhs and the Central Government will alone be responsible for the consequences."<sup>17</sup>

## II

The Kashmir problem has also been another link in the chain leading to the growth of different nationalistic forces in

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<sup>17</sup>"The Tribune" dated 4th August, 1972,

the country—religious, linguistic, religio-linguistic and socio-religious. Kashmir had acceded to India, despite acceptance of the two-nation theory, due to the courageous leadership of Sheikh Abdullah who had cast a magic spell over his people. But for him Kashmir would have been lost to Pakistan. The circumstances in which this accession took place are not relevant to the Delhi Agreement of July 24, 1952, of which Sheikh Abdullah was the architect. In the background of the fact that Muslims were in majority in Jammu and Kashmir State, the constitutional tangle of the relationship between India and Kashmir was solved by grant of special status to that State. It was allowed to retain complete internal autonomy with only Foreign Affairs, Defence and Communication vesting in the Union Government. It was with this in mind that Sheikh Abdullah stated in his speech at Ranbirpura on April 10, 1952 : “We want to join India without any kind of mental reservation..... It is all very well for people in India to think that communalism in the country has been finally eliminated. But no one can deny that the communal feelings still exist in India. Many Kashmiris are apprehensive as to what will happen to them and their position if for instance something happens to Pandit Nehru. As realists the Kashmiris have to provide for all eventualities. That is why I say, those who want Kashmir to lose its separate entity are talking without appreciation of the practical realities that face us to-day. If there is no special status for Kashmir in the Indian Constitution, how can we assure the Muslims in Kashmir that India does not intend to interfere in the internal affairs of Kashmir? We have acceded to India in regard to Defence, Foreign Affairs and Communication, and not in respect of other subjects because we want some kind of autonomy for ourselves in internal matters.”

The Prime Minister of India, who appreciated the significance of bringing the Muslim majority State of Jammu and Kashmir into the Union of India, stated in his speech in Parliament on August 7, 1952 : “So while the accession was complete in law and in fact, the other fact which has nothing to do with law also remains, namely, our pledge to the people of Kashmir—if you like, to the people of the world—that this matter can be affirmed or cancelled or cut out by the people of Kashmir if they so desire. We do not want to win people against their



will and with the help of armed force, and if the people of Jammu and Kashmir State wish to part company with us, they can go their way and we shall go our way. We want no forced marriages, no forced union like this.” As this position taken by the Prime Minister in all his sincerity of motive and honesty of purpose was exploited by the world powers interested in creating complications, G.B. Pant, the Home Minister of the Government of India, declared at Srinagar on July 7, 1959 : “Kashmir accession was a reality which could not be changed because the people through their representatives in the Constituent Assembly had decided to remain with India.” This declaration set all doubts at rest and precluded the question of futile plebiscite and forced President Ayub (as he then was) to declare in his speech at Lahore on March 23, 1962 that if the plebiscite was not the best solution of Kashmir, “then let us have another solution satisfactory for all.”

The accent of Kashmiri leadership has not been on a plebiscite as such, nor do they desire to part company with India; but all they want is that the status quo ante pertaining to internal autonomy as recognised at the time of the Delhi Agreement of 1952 should be restored. This is obvious from the declaration which Sheikh Abdullah made on his release on March 17, 1968 at Anantnag : “There is no reason why Indian leadership in power now does not rise to the occasion and find out its solution to the Kashmir problem which would also lead to amity and friendship between India and Pakistan.” Mr. Afzal Beg, President of the Plebiscite Front, known to be fire-brand in the Kashmir politics and a persona non grata to the Hindu leadership, said at Srinagar on May 19, 1972 that “the Kashmir issue was a matter to be settled between India and the people of Kashmir and Pakistan has nothing to do with it.” He issued this statement on his release after 14 months’ externment from Kashmir. He further said : “We all had always abided by the Indian Constitution and the Instrument of Accession of 1947 to which Pakistan was never a party. We are not rigid on a plebiscite. We only want an honourable settlement of the issue.”

There is no gainsaying the fact that Kashmir is an integral part of India, and this issue does not confront the country. Accent by the Indian leaders on this aspect is not proper when

there has been no dispute from any quarter in this regard. The question that looms large is to ascertain the aspirations of the Kashmiri leadership. Being a national State and a member of the Indian Union, Kashmir only seeks complete autonomy in its internal affairs and this was sufficiently explained by Sheikh Abdullah in an interview with the press on June 19, 1972 at New Delhi, when his attention was drawn to his earlier stand that Kashmir was attracted to India because of certain values—the values of democracy, secularism and socialism. He said, “My commitment to the values which brought India and Kashmir together continues. The people of Kashmir, however, see things from their experience. When the people of Kashmir fought for the dignity and emancipation which saw the movement of 1931 and again in 1945, Mahatma Gandhi and Jawaharlal Nehru identified themselves with the movement..... This is what brought Kashmir close to India and the Kashmiri Muslims felt that India is really their friend. Events after 1953 eroded that faith. It is in that sense that faith in India’s adherence to democracy, secularism and socialism has to be rebuilt.”

Explaining further why the State of Jammu and Kashmir should have complete autonomy he said : “The reasons why I ask for restoring Kashmir’s autonomy are that compulsions of 1947 were quite different from those of other former States in India like Hyderabad and Bhopal. In the case of Kashmir, when the question of accession came up in 1947, the premier political organisation of Kashmir, the Jammu and Kashmir National Conference of which I was the President then, supported the accession. The Instrument signed by the Maharaja and to which we lent backing and popular support, was in relation to three subjects referred to, namely, Defence, Communication and Foreign Affairs. This Instrument was given constitutional shape under Article 370 of the Constitution of the Republic of India.” He added : “The situation of Kashmir was distinct at the time of accession. While non-Muslims of Kashmir could throw their weight against Pakistan for obvious reasons, the Kashmiri Muslims were keen to retain their identity even while making common cause with India. In these circumstances the wisest course was to strike a balance taking into consideration the available factors. Article 370 was framed to achieve this golden mean. I was not only party to this arrangement, but



reportedly committed myself to the people of Kashmir that this arrangement would be honoured by India.” The exposition of the situation abundantly establishes that nationalistic feelings of the people of Jammu and Kashmir to remain an integral part of India is commensurate with the achievement of complete internal autonomy.

That wars solve such problems is illusory. Sentiments and ideals are permanent features in the thinking of people. Nationalities inhabiting this sub-continent have certain values to which they attach importance. The integrity of India can be retained by appreciating such sentiments and dovetailing them within the frame-work of the political unity of India. India's triumph in the 1971 Indo-Pakistan war did not solve the problem. Non-fulfilment of the sentiments of the people leave room for foreigners to interfere. President Bhutto, while winding up the 40-hour debate in the Pakistan National Assembly on July 15, 1972 spelled out the result of the Simla Agreement by stating that “There was only one way to free Kashmir from Indian yoke. That was that the people of Kashmir should start their struggle for freedom.” He further said that, “he would like to, give a solemn pledge on behalf of the people of Pakistan that as soon as the people of Kashmir launched the freedom struggle the people of Pakistan would go all out to support and assist. They would not hesitate to ‘shed their blood’ for the people of Kashmir.”<sup>18</sup> This pronouncement of the President of Pakistan connotes that primarily the fight for self-determination is to be carried on by the Kashmiri Muslims themselves and Pakistan can come to their aid if and when necessary. President Bhutto's implications are obvious in his book, *The Myth of Independence* published in 1969 wherein he wrote : “Why does India want Jammu and Kashmir ? She holds them because this valley is the handsome head of the body of Pakistan. Its possession enables her to cripple the economy of West Pakistan and militarily to dominate the country. India retains Jammu and Kashmir because she wants to increase her strategic importance by having common borders with the Soviet Union and China and correspondingly denying Pakistan these frontiers. Above all, she retains the State against all norms of morality because

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<sup>18</sup>‘The Tribune’, 16th July, 1972.

she wants to negate the two-nation theory as the basis of Pakistan. If a Muslim majority area can remain a part of India, then the *raison d'être* of Pakistan collapses. These are the reasons why India continues her domination of Jammu and Kashmir, defies international opinion and violates her pledges. For the same reason Pakistan must continue unremittingly her struggle for the right of self-determination of this subject people. Pakistan is incomplete without Jammu and Kashmir both territorially and ideologically. Recovering them she would recover her head and be made whole stronger and free of intimidation. If Pakistan were to abandon the struggle and compromise, this would be tantamount to abandonment; which might in turn lead to the collapse of Pakistan. If, however, we settle for tranquil relations with India without an equitable resolution of disputes, it would be the first major step in establishing Indian leadership in our parts, with Pakistan and other neighbouring States becoming Indian satellites." This indicates the feelings of President Bhutto in spite of the Simla Agreement.

The varied kinds of nationalities developed in the country after partition were a natural response to class, communal, religious and sectarian revivalism. It was invariably expected that partition of the country would alert the leadership to the dangers of disintegration arising from the existence of religious and cultural groups in the country. If, however, a bold and imaginative policy of political and emotional integration had been followed, things would have been different. The tragedy of the situation, however, was that the leadership, instead of formulating a policy of conciliation and compromise, embarked on a programme of coercion and assimilation of the minority groups. The dictum of Lenin that all governments are sleeping on a volcano seemed to have come true.

The Muslims, left in India, by and large were, stunned at the consequences of the partition. They least expected that their leaders and the community would migrate *en masse* to Pakistan, leaving behind second rate leadership and a big segment of the Muslims entirely in confusion. The degree of demoralisation of the second-rate Muslim leadership after partition is aptly disclosed by Durga Das in his book, 'India from Curzon to Nehru and After' saying that the safeguards for the minorities enshrined by the Constituent Assembly in its August session of



1947 were whittled down by Patel, the 'strong man of India'. To quote : "after the committee (Advisory Committee on Minorities) had wrestled with the problem for weeks, Patel decided to clinch the issue at its final meeting. He called on Begum Aizaz Rasul of Lucknow to state the Muslim view. She was a zealous Muslim leaguer before partition and had even gone to the length of giving up wearing sarees and adopted the costume worn by the begums of Oudh. The Muslims, left behind in India, she said nervously, were an integral part of the nation and needed no safeguards. Patel seized this crucial moment to declare that the Muslims were unanimously in favour of joint electorates and adjourned the meeting."<sup>19</sup>

The Muslims had already come under suspicion of the majority community as a consequence of their demand for a separate homeland. They now felt bewildered when they found themselves rudderless. They would do nothing but lie low till the conditions improved. It was under these circumstances that their main organisation, the All India Muslim League and other communal bodies liquidated themselves and their leaders bowed to the majority community swearing loyalty to the Constitution and to the country. Their mediocre leadership sought in this way to win the confidence of the majority community and be considered equal citizens, as provided in the Constitution. They soon discovered how mistaken they were.

### III

The Sikhs, another important minority who had felt elated at having saved part of Punjab, their homeland, from being absorbed in Pakistan, were also disillusioned. Their leadership had opted for India in the hope that they would be given their due place in the political set-up of the country. Their leader, Master Tara Singh, stated soon after partition in a statement to the press on September 25, 1947: "The bogie of a Sikh State in the East Punjab is being conjured up by the Pakistan propaganda machinery in order to create dissensions between the Hindus and the Sikh.....The Hindus and Sikhs will rise and fall together. Their fates are inextricably linked....." He thus

<sup>19</sup>Durga Das 'India from Curzon to Nehru and After' p. 273.

declared unreserved loyalty to the country. It was in this context that the Working Committee of the Akali Dal soon after directed all the members of the Panthic Assembly Party to merge in the Congress with a view to working for the consolidation of the country under its flag. They, however, soon found that in the wake of partition of the country, they were still a minority in Punjab with the dominant position vested in the Hindus led by communal elements and constituting 62 per cent of the population. The Hindu vernacular press, which had already played a prominent role, was jubilant over the numerical majority of the Hindu population and embarked upon virulent and vicious propaganda provoking the Congress to suppress communalism and sectionalism in toto. This move was only a fig-leaf to liquidate the entity of the Sikhs as such. The Arya Samaj press spearheaded the movement, stating that it was no longer necessary for the Sikhs to remain a separate entity as a religion or as a Panth. The trend of thinking of a section of the Hindu leadership was that the Khalsa had been created for the protection of Hindu society against Mughal aggression and this need had been fulfilled by the partition of the country and the departure of the Muslims. They, therefore, expatiated that the Sikhs should return to the Hindu fold and be re-absorbed in it.

This posture of a section of Hindu leadership in the post partition period was unfortunate in as much as it bolstered the policy of assimilation of the minorities rather than their integration and co-operation. The migration of several millions of people across the newly created frontier had produced a tension that was unprecedented in the annals of world history. With migration complete the communal tension was not entirely eliminated. It was in such a pass that the Indian leadership had three options open to them to bring in harmony in the multi-religious, multi-lingual and multi-racial society in the country. They were : (i) integration, both political and emotional; (ii) conciliation and compromise and (iii) assimilation by domination. In a heterogeneous society of this nature, the best means for removal of conflict and tension was by political integration with a common objective on a mutual benefit basis. This could have been put through, provided the planning had been done to economically weld the people into a common fold by adopting methods of integration as a British linguist, M.E. Lewis spells



out, "it is only in the presence of a single common language functioning effectively in thought, feeling and action that it is possible for the United States to become an integrated society."

It is, however, not only language or religion that constitute factors for integration. Economic interests and objectives of proper planning contribute towards integration. It is the common values and ends that lead to such integration. Professor Robert C.I. Angell states in his book, 'the Integration of American Society': "No matter how primitive the communication and transportation may be or how economically self-sufficient families are, if the people are intensely devoted to the achievement of common ends and realisation of common values, there is a highly integrated society. And, conversely, they may live in most complicated web of technological, economic and political relations and still not possess an integrated society if they have few ends and values." He adds, "the danger of social integration increases as the number of common values that are accepted decline." Therefore, it is the common ends in a society that contribute towards its integration and this integration can be built up on the basis of induction and inculcation of the spirit and feeling of common objectives and ends in the society as a whole. The connotation of free society is, where a common man without distinction of caste, creed or religion is able to function with freedom in the most important and pervasive aspects of his daily life. He should have the freedom and opportunity to select the conditions of his work, protect his existing standard of life and improve them further and obtain for himself his due share in the increment of output resulting from increased productivity. Besides, it is also necessary that he should have the freedom to choose a type of government which he can influence in his interest to that end. This is called democratic freedom. It is from this criteria that we have to assess whether we have been able to build up an integrated society during the last 27 years. Of course there has never been a common language or religion or culture, but there could be economically based common objectives and ends with freedom to all citizens to share them. We have not so far succeeded in attaining that object in India where the society is confronted with centrifugal and fissiparous tendencies. There is no doubt that the country has progressed much in the economic sphere and is known to be the largest

viable democracy in the world. But do the different sections of the people living in this country consider themselves as partners with equal opportunity? Is there universal satisfaction amongst them, and does peace and tranquillity reign in the land? These are criteria from which the country's present state and its probable future can be ascertained. Diagnosing the ills of the country from this angle, it would be safe to conclude that the condition of the minorities and the backward sections is not happy. There is discrimination in all walks of life, and the minority communities feel that they are not being accorded equal treatment by the Hindus.

The All-India Muslim League which after partition had gone underground and liquidated itself, except for a branch in Malabar, had to revive itself with its office at New Delhi to protect the Muslim interests. The trend of Muslim thought in India after partition has been towards seeking protection for their rights and measures for provision of their security in the political set up of the country. Badarul Duja, a prominent Muslim leader, presiding over the Muslim Convention at Aligarh in 1953, brushed aside the idea of co-operation with the Congress because he felt that, "it had failed the Muslims both in administration and as a party. It has shown nothing but scant regard for the constitution insofar as it relates to the minorities in general and Muslims in particular." Advising the Muslims "that no useful purpose will be served by looking towards Pakistan or other Muslim countries," he pointed out their grievances and said that there was "massacre of Muslims, uprooting of lakhs of them, colossal destruction of property, desecration of their mosques, mousoleums and grave yards," and complained of the cultural bigotry and fanatacism against the minorities and denial of even regional status to Urdu, 'the second largest language of the world.' He referred to the situation of Muslims having "little representation in the Legislatures of the country and their conspicuous absence from the government offices." He warned his co-religionists that "never during the last 200 years were we faced with more desperate situation; never during these long years was statesmanship in greater demand to harmonise the conflicting interests and to reconcile the divergent claims of the components roles in India."

Mohammad Ismail, President of the Muslim League, speak-



ing at its Conference in April 1964 asserted that the Muslim League was the only political organisation of the Muslims and it was their "national right as a minority to have such an organisation and to exercise its privilege to self expression through it." Later, addressing the Malabar District Political Conference, he outlined the objective of the Muslim League thus: "(i) to promote the legitimate right and interest of the Muslims and other minorities, and (ii) to promote harmony and unity amongst the Muslims and other communities of India." The President of the All-India Muslim Jamiat in another conference held in 1956 at Farkhabad, complained that the Union Government was meting out discriminatory treatment to Muslims.

The 19th session of Jamia-ul-Ulema-i-Hind held at Surat in October 1956, addressed by Morarji Desai, also voiced the Muslim grievances. This situation compelled Pandit Nehru to declare at a public meeting in Malabar in 1956: "I am told there is a remnant of the old Muslim League. It is amazing that this discreditable organisation that fought against Indian freedom and brought misery to India should raise its head in the Malabar area." But the exigency of the situation compelled the Muslim minority to revive the Muslim League into an All-India body with its centre in New Delhi. The Muslim League went from strength to strength and won 8 seats in the Kerala Assembly in the 1956 elections. Mohamad Koya, its leader in the Kerala Assembly, said at a reception in Bombay in July 1959: "Muslims from all over India used to receive inspiration from Muslims of Bombay before the advent of freedom.....but the Muslims of Kerala continue to hold the flag of the Muslim League against all odds.....Kerala Muslims were branded as communalists by persons high and low, including the Prime Minister of India because we refused to dissolve the Muslim League Organisation." He, however, clinched the issue by asserting that as long as the minority communities exist in the country, organisational work for protecting and preserving their rights were bound to exist.

Mohammad Ismail, President of the Muslim League, addressing the Tamil Nadu Muslim League Conference in September, 1960 reiterated three demands of his community: (i) reserved electorate, (ii) reservation of posts in public services and (iii) special treatment to minorities in economic and commercial

matters. He complained that "the lists of recruitment for public services are conspicuous by the rarity of Muslim names in them.....many Muslims feel it is difficult to obtain such things as quota and licences, though they have been in the particular lines concerned for years together." Addressing another Muslim League Conference at Kottayam in Kerala in May 1961, he alerted the Muslims to be watchful and claimed the Muslim League organisation to be the national organisation of the Muslims.

The All-India Dawoodi Bohra Convention was held in June 1961 and was attended by 675 delegates from all over the country. Its main resolution contained the following demands : "(1) The Administrative machinery of every State be so constituted that in every district the minorities may have a proper share in the administrative and executive set-up. (2) The Indian Muslims Convention expresses its grave concern and regrets that a number of highly tyrannical laws were passed about the evacuee property after the partition of the motherland and were vigorously enforced. The Indian Muslims had to suffer severe hardships and bear many miseries on account of inhuman laws during the last 11 years."

The convention further demanded from the Union and State Governments.

- "1. On the Centre and State level, all such causes and conduct be got duly investigated as are responsible for depriving the Muslims of recruitment in higher civil, police and defence services especially and lower grade services in general despite possession of requisite ability and merit.
2. At the Centre and State level such conventions be established as to make it possible for Muslims to obtain proper representation in higher and lower government services.
3. Just as in the case of scheduled castes, officers have been appointed to see to the proper representation in services, similarly the government should appoint officers who should submit half-yearly reports regarding representation of the Muslims and other minorities in services".

The Convention reiterated "after 14 years of Independence, Muslims who are an important minority of India are being kept backward in the economic field under a well-planned



scheme. Such circumstances have developed in cottage industries, factories and other spheres of economic activities that it is not possible for the Muslims to make progress in this field. It has become very difficult for them to obtain loans and subsidies either from government or co-operatives." The Convention also demanded recognition of Urdu as a regional language, and its elevation to the status of the second language in the country and asked for setting up an Urdu University.

How far Muslim feelings were disturbed over the alleged discriminatory treatment is obvious from the fact that a member of Lok Sabha, Mr. Muzaffar Hussain, went to the extent of making a ridiculous charge in a public speech, that Muslim women were being given injections for affecting birth control that would make them sterilised without their knowledge so that the number of Muslims might be reduced. He charged the Government with contemplating changes in Muslim personal law with a view to converting Muslims to Hindus. He was arrested for making this speech in July, 1963.

Another All India Consultant Convention was held in August 1964, under the presidentship of Dr. Syed Mahmud, a prominent nationalist leader who was at one time Minister in the Nehru Cabinet. He pointed out that the time was crucial, and that the Muslim minority was facing a very critical phase of life. He drew the attention of the audience to the six points, amongst which the important ones were :

- “(i) Muslims were exposed to a number of threats on the cultural and religious level.
- (ii) Muslims have been lagging behind in the field of education and commerce.”

The Convention set up a committee of 21 to tackle the problems of the Muslim minority.

The number of Hindu-Muslim riots the country has witnessed after partition is an eloquent testimony of the insecurity encompassing the minorities in the country. 1947 was an ominous year when massacres followed on the heels of the exchange of population. There was a lull for about three years thereafter, when the Muslims lay low as an aftermath of the demoralisation and frustration they had to face after partition. This quietism was broken in 1950 when there was a wave of Hindu-Muslim riots not only in Calcutta and Delhi but also at places like Pillibhit in

U.P., Nagpur, Aligarh, Dhubri in Assam, Bombay, Ahmedabad, and in the rural areas of Shahjahanpur and Almora.

There were disturbances in Mangrol near Surat in 1951, followed by serious rioting in Banaras, Viramgaon and Bhopal. 1953 witnessed riots in Gauhati, Ahmedabad, Nasik, Poona, Sangli and Sholapur.

There was a further tide of riots during 1954 at Ghaziabad, Aligarh, Nizamabad in Hyderabad, Mathura, Gulbarga, Meh-sana in Gujarat, Nanoolia and Fatehgarh in U. P. and in Bhopal.

There was recrudescence of serious rioting during 1956 at Moradabad, Aligarh, Bhopal, Rewa and Khangaon in Buldhana district of Madhya Pradesh.

There was a revival of Hindu-Muslim riots in 1957 in Bihar, Lagaon and in Chopda in Jalgaon district.

There was communal rioting in 1958 in Nasik district and at Bagalkot in Bijapur district; in 1959 at Lucknow, Bhopal and Sitamarhi in Muzaffarpur district, in 1960 at Hubli in Dharwar district, at Vidhisha in Madhya Pradesh, at Firozabad in Agra district and at Saharanpur; in 1961 at Jamalpur, Aligarh, Amroha, Baghpat, Baraut, Bulandshahar, Chandausi, Dehradun, Farukhabad, Ghaziabad, Gorakhpur, Hapur, Kasganj, Khurja, Lucknow, Mathura, Moradabad, Muzaffarnagar, Saharanpur, Sambhal and Brindaban; in 1962 at Aligarh and its environs, Calcutta, Malda, Agra, Bareilly and in 1963 at Junagarh, Islampur and Ballarghat in West Bengal, and at Kota, a town of Akola district in Maharashtra.

There was again serious rioting in 1964 in Calcutta, in parts of Maharashtra, Rourkela, Raigarh, Sundarabad and Sambhalpur—all in Orissa and at Patna. In 1965 the Indo-Pakistan conflict was followed by serious rioting in different parts of the country; in 1966 at Sehore resulting in terrible loss of life and property of the Muslim minority; in 1967 at Nizampur followed by massacre of Muslims at Ranchi and in 1968 at Allahabad where the loss of life and property was in astronomical figures.

There was a serious rioting in 1969 at Ahmedabad where law and order was put in cold storage and the Muslim minority became the victim of the fury of the majority community. These riots came home to roost on the Indian Government at Rabat where representatives of the Muslim countries had met.

The Hindu-Muslim riots resulting in terrible loss of life and



property to the Muslims took place primarily in the Hindi belt of the Central zone comprising predominantly Hindu-populated States of Uttar Pradesh, Madhya Pradesh, Bihar, Orissa and Maharashtra. There were some riots in West Bengal, including Calcutta, as a corollary to the rioting in East Pakistan.

A significant feature to be noted was that there was no trouble all these years in the non-Hindi states of the South where the proportion of the Muslims and other minorities was as great as in the belt of the Central zone comprising Hindi-speaking States.

Discussing the frequent recurrence of the riots in the country, Professor Abdul Halim Siddiqi, in his recent publication, writes, "The Christians, the Muslims and the southern people stand dead against communal riots, loot and arson, and hold it as a threat to the minorities. There is no communalism in the South. For the communal disturbances, the Congress holds the Jan Sangh responsible while the Jan Sangh interprets riots in the light of reaction against developments in Pakistan."<sup>20</sup> Emphasising the need for justice to all communities in day-to-day life, he complains, "the Muslims of India are totally dissatisfied with the Government during riots and the lack of protection of civil rights. They claim special privileges for Urdu which has not been approved so far. Anjamine-i-Taraqi-i-Urdu is fighting on linguistic grounds for safeguards to the Urdu language. Muslims consider it as an open threat to their culture and religion."<sup>21</sup> Summing up the situation as relating to the minorities as a whole he writes, "The situation is so demoralising and discouraging that minorities have lost the sense of security or of personal property. They are not going to rely on the assurances given by the Government and the leaders. People of various castes, classes, and communities complain that there is lack of justice in social, economic, political and legal fields in India. It is, therefore, felt that the attitude of the masses is growing more vulgar and violent day by day. There is unrest in almost all the States on different issues. People are not going to forego petty differences, prejudices and biases; rather they are going to be more disintegrated, disorganised and violent."

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<sup>20</sup> Abdul Halim Siddiqi 'National Integration in India' p.8.

<sup>21</sup> Ibid p.7

Discussing the economic disparity prevalent in the country, he writes, "for better economic conditions, practice of equality, justice and honesty are necessary elements. Both government as well as industrialists have to share and co-operate for the elimination of those who hinder in better economic conditions. Economic betterment in India as yet has been achieved by a specific class of monopolists. Monopolies have less to do with the common lot. They aspire for monopoly rule, ownership and management."<sup>22</sup>

#### IV

The Indian Christians had never counted themselves as a minority. They have been, and are, in fact, a minority for all purposes. According to Kohan, "minorities are groups held together by ties of common descent, language or religious faith and feeling themselves different in these respects from the majority of inhabitants of a given political entity." It may be that the Indian Christians felt a special kinship with the British rulers on account of religious ties, prior to Independence, and as such did not consider it necessary to be considered a minority. Their leader, Dr. H. C. Mukherjee, a member of the Constituent Assembly, even pioneered the move, in May 1949, for abolition of the statutory protection of reservation of seats already adopted by the Constituent Assembly in August 1947 on the recommendations of the Advisory Committee on the Minorities and the Fundamental Rights Committee. The treatment, however, meted out to this community after Independence has been unenviable. The Catholic church at Vardhamannagar in Bihar was attacked by a group of local Hindu Mahasabha leaders, who not only intercepted the celebration of the mass, but assaulted the priest and the members of the congregation and desecrated the place of worship. In August 1957, the Gaz Memorial Centre, an educational institution maintained by the Evangelical Mission at Raipur ( Madhya Pradesh ), was ransacked by a Hindu crowd. The reason for this diabolical act was that the Superintendent of the Institution had been hesitant in granting permission for installation of an idol in the building on Independence Day. This was subsequently allowed.

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<sup>22</sup>Abdul Halim Siddiqi 'National Integration in India' p. 25.



The consistent propaganda carried on against the missionaries gave rise to prejudice against the Christians. Dr. K. N. Katju, the then Home Minister, while appreciating the work carried out by the Christian missions in the educational, medical and social fields, deprecated their proselytising activities and was reported to have said in 1952, "I think that if they come here for evangelistic work, then the sooner they stop it the better." It was in this context that a Christian deputation met the Prime Minister Indira Gandhi in May 1966 at Bombay, where she had gone to attend the All-India Congress Committee Session. They demanded that they should be accorded the status of a minority in the country and be given all the rights they were entitled to. The Congress-supported Ministry in Kerala in 1972 blatantly interfered in the affairs of the privately-managed Christian colleges by usurping control over appointments of teachers and admission of students. This discriminatory act raised a storm of protest amongst the Christians who formed a United Christian Action Council in defence of minority rights. A conference was held at Cochin on July 16, 1972, where the Archbishop of Ernakulam and Cardinal Joseph Parecattal, President of the Indian Bishops Conference, asked the Christians to be ready to face any sacrifice in defence of the sacred rights guaranteed by the Constitution to the minorities in the country. Addressing a mammoth public meeting organised by the Action Council, the Cardinal urged the State Government to give up such measures as would not only ring the death knell of democracy, but would bring "ridicule to the fair name of India and Mrs. Indira Gandhi." The Catholic community thereafter staged a mammoth demonstration in Cochin to protest against the Kerala Government's policy towards privately-managed Christian educational institutions, and posters calling on the Christian community to organise itself into a separate political party were pasted on the street walls in all important cities. This is the latest instance of discriminatory treatment and assimilatory steps meted out towards a minority which had always been a supporter of the Congress.

## V

The condition of the depressed classes known by the title, Harijans, and recognised as Scheduled Castes, has been no

better despite 27 years of Independence. No doubt the Constitution has guaranteed them all the privileges such as statutory reservation of seats, allocation of substantial percentage in Government services, and a fixed share in admission to colleges, yet these privileges are being enjoyed only by the limited upper strata amongst them. The condition of the mass of Harijans is dismal. They continue to live in ghettos and chamaries outside the precincts of villages, where the Hindus reside. This is perpetuating untouchability. They are still denied access to public places like wells and dharamsalas despite laws having been enacted to allow them. These laws have not been effectively implemented. There are several instances of backward classes having been shabbily treated by Caste Hindus, thus reducing constitutional equality to a sham. It was recently reported that "ten Harijans, five women and five children, were burnt alive in Machharya Village in Moradabad district of U. P. where their huts were set on fire a month ago by Caste Hindus when the men had gone out for work."<sup>23</sup> Such atrocities had also been reported from Hamirpur, Barabanki and Panchhi village.

## VI

As 14 years of freedom had not brought any emotional integration in our multi-religious, multi-lingual, multi-racial and multi-cultural society, Prime Minister Nehru was compelled to constitute a National Integration Council in 1961 with these objectives, *inter alia* :

1. Promotion of a national outlook in education and other fields;
2. Promotion of opportunities for minorities in economic and political fields;
3. Maintenance of personal security and property.

Yet no fruitful result has come out of this National Integration Council. A leader of eminence, like Jaya Prakash Narayan declining to attend its meeting at Srinagar was forced to write to the Prime Minister that "the present composition of the Council, which is made up mostly of ministers and parliamentarians is likely to give an impression that the task of

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<sup>23</sup>'The Tribune of Chandigarh' 2nd August, 1972.



national integration is largely, if not wholly, to be accomplished by the State. This, as you know, is far from being the case. Indeed, more has to be done at the peoples' level in this regard than by the States."

The failure of national integration can be gauged from the laborious researches carried out by Professor Abdul Halim Siddiqi. In an answer to the question, "Do you think that there is national unity in the country?", the statistics prepared by him reveal that "70 per cent Hindus, 80 per cent Muslims, 80 per cent Sikhs and 100 per cent Christians feel that there was no national unity in the country."<sup>24</sup> Analysing the replies from the language groups to this question, 76 per cent of Hindi speakers, 80 per cent of Urdu speakers, 70 per cent of Bengali speakers, 80 per cent of Punjabi speakers and 70 per cent of Telugu speakers stated that there was no national unity.

The statistics prepared by Professor Siddiqi also reveal that whereas 100 per cent Christians, 100 per cent Hindi speakers, 90 per cent Bengali, 80 per cent Punjabi speakers and 80 per cent Telugu speaking people do support the need of a national language, yet 100 per cent of the Urdu, Bengali, Punjabi and Telugu speaking population oppose Hindi as the national language. The above statistics prepared after careful research in 1971 establish the fact that there is no national unity in India. There are varieties of nationalities with no cementing link—cultural, linguistic or religious, which could form the basis for the creation of an Indian nation in the modern sense.

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<sup>24</sup>Abdul Halim Siddiqi 'National Integration in India' Table 1 on page 73.

### CHAPTER III

## *SECULARISM IN INDIA : A MYTH*

The people of India have designed a Constitution which is supposed to safeguard and guarantee their rights "Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity; and to promote among them all; Fraternity assuring the dignity of the individual and the unity of the Nation."

The Constitution also provides—"subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion."

The question is whether during the last 27 years the rights, enshrined in the Constitution, have been implemented in a truly secular spirit. Donald Eugene Smith's definition of a secular State is : "It is a State which guarantees individual and corporate freedom of religion, deals with the individual as a citizen irrespective of his religion, is not constitutionally connected to a particular religion nor does it seek either to promote or interfere with the religion." Although India has acquired the trappings of a secular State, it is yet to be seen whether secularism is a functional principle in this country, which means the fulfilment of the criterion of keeping ecclesiastical issues separate from temporal affairs. The implementation of the constitutional guarantees are largely dependant upon the inherent character of the dominant religious group, its historical back-ground, traditional make up and social features. The minority groups can also act as deterrents to the unsecular working of the Constitution provided they exercise an effective voice in the political set-up. India's desire to become a truly secular State not only depends on the physiognomy of the majority religious group but also hinges on the pattern of nationalism of different



groups that had loomed in the horizon preceding the promulgation of the Constitution.

The Indian leadership has repeatedly put accent on the secular character of the Government. Gandhiji declared, "Hindustan belongs to all those who are born and bred here. Free India will be no Hindu Raj. It will be India's Raj.....without distinction of religion.....religion is a personal matter which should have no place in politics." He considered State aid to religion as something repugnant. He said, "a society or group which depends partly or wholly on State aid for the existence of religion, does not deserve or better still, does not have any religion worth the name." The historical and cultural background, the prevailing conditions and the power elite have a significant bearing on the political set-up in the country.

Hinduism dominates the horizon in India. As a noted writer irreverently puts it, "It pervades the sound and sights of India like the ubiquitous sunlight. The white bump cattle ambulating with sophisticated, even supercilious ease through busy city streets; the oxen with painted horns and necklaces of flowers or beads drawing the creaking carts along dusty tracks, the sudden jingle of peasants in fancy dress covorting with red and silver tinsel banners and brass pots through the many miles of this pilgrimage to the sacred river; the colour and size of the saree, its folds and designs, that a woman wears; the gold bangles on the thin wrist of a ragged child; the predatory beggar with mutilated limbs; the garish painted idols, twice human size, by a desolate road side; the shrill-voiced women selling vegetables and the white washed merchants squatting in concentrated silence over their account books in the bazaar; the student touching his forehead with the dust of his teacher's sandals; the interminable washing in rivers and at pumps and from small brass pots at a sudden turning of the road with the unregarded filth of the Indian gutters, the variety and monotony of face and function; all are manifestations of that Hinduism which belongs to India as the blood to the body."<sup>1</sup>

Besides, there are certain basic features of the dominant religious group which influence the adoption of a secular attitude in the day-to-day functioning of the political and adminis-

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<sup>1</sup>Donald Sehgal 'Crisis of India' p. 15.

trative set-up in the country. Those are, firstly, the impact of religion on social life; secondly, the historical tradition of the separation or fusion of political and religious functions; thirdly, its impact on the Brahmanical class and fourthly, its posture towards the smaller religious groups.

Hinduism is more of a social order than a religion and is closely interwoven with social customs. The followers of Hinduism are governed in their day-to-day life by rituals sanctioned by religion which also regulates their social life. Religion in Hindu society is not merely a set of intellectual beliefs, but also rituals governing the faith and diverse creeds. The social order draws its sanction from religion which dominates it. Hinduism lays down deterministic regulations for society. Caste exercises pervasive impact on both social and economic life. It was in this context that K. M. Panikkar explained that modern secularism has no nexus with the past of Hindus and added, "clearly, our new democratic egalitarian and secular State is not built upon the foundation of ancient India or on Hindu thought."<sup>2</sup>

Nehru did not consider Hinduism to be a faith at all. He described it in his book, 'The Discovery of India': "Hinduism, as a faith is vague amorphous many sided, all things to all men. It is hardly possible to define it, or indeed to say whether it is a religion or not, in the usual sense of word. In its present form and even in the past, it embraces many beliefs and practices, from the highest to the lowest, often opposed to, or contradicting each other. Its essential spirit seems to be to live and let live." From past experience, it is questionable whether Hinduism is really guided by the spirit of 'let live.'

In the ancient Hindu era, the foremost duty of Hindu Kings was propagation and promotion of dharma, i.e. religion, morality and virtue. It was expected of Hindu kings to build temples, bestow endowments, and support religious places. Traditional Hindu States were religion oriented, unlike the modern States. There was no dichotomy between the church and the State. In the former Hindu States punishment was meted out according to the caste or lineage of the guilty, the Brahmins being dealt with lightly. The Hindu feudal States under the British regime functioned strictly in accordance with traditions of the ancient

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<sup>2</sup>K. M. Panikkar 'The State and the Citizen'



Hindu States. The Maharaja of Travancore, who had officially dedicated his kingdom to the god Padmanabhaswamy in the middle of the 18th century, continued ruling as a deputy of the said deity, adopting the title of Shri Padmanabha Dasa (servant of Lord Padmanabha). In Mysore State, the Government controlled and supervised religious and charitable institutions at district and sub-division level. In the Hindu States the places of religious worship were provided with Government endowments and the Maharajas were required to preside over and participate in religious functions and festivals. To Manu : "The king is verily a great divinity in human form; his very body is formed by the creator by taking particles from the bodies of divine guardians in the eight quarters." The Hindu kings always claimed origin from some Hindu deity such as Rama, Brahma, etc. The ancient Hindu kingdoms were theocratic states, there being no separation between politics and religion. The traditional fusion of politics and religion still prevails in Hindu society.

The Muslim States too were theocratic States, Islam and the Shariat being the guiding principles of their kings. The British had to toe the line of their predecessors. They administered and supported Hindu and Muslim religious institutions and provided endowments from public funds for their maintenance. The Madras Government was administering nearly 7,600 Hindu temples in 1833. The British officials also participated in religious festivals, a tradition which they had inherited from their predecessors. In both Hindu and Muslim laws, apostasy was penalised by the forfeiture of inheritance rights and this remained in vogue until 1850 when the Castes Disability Removal Act was enacted in which it was declared that any law or usage which "inflicts on any person forfeiture of rights of property, or may be held in any way to impair or effect any right of inheritance, by reasons of his or her renouncing or having been excluded from the community of any religion or being deprived of caste, shall cease to be enforced as law." The East India Company had functioned as a Christian Government, but it was only in 1813 that the British Parliament provided for the appointment of Christian religious functionaries at State expense in the country. The bishops were appointed by the Crown but were paid by the Government of India. They were controlled by the Church of England until 1929 when the Indian



Church was separated. Its establishment continued to be maintained by the Government of India until March 31, 1948 when the Indian ecclesiastical establishment was abolished. In this context, Dr. Ambedkar wrote, "The religious conceptions in the country are so vast that they cover every aspect of life from birth to death. There is nothing which is not religious and if personal law is to be saved, I am sure about it that in social matters we will come to a standstill.....There is nothing extraordinary in saying that we ought to strive hereafter to limit the definition of religion in such a manner that we shall not extend beyond beliefs and rituals as may be connected with ceremonies which are essentially religious." These old traditions persist. The 1972 general elections were an eloquent testimony to the fact that Hindu Society is still warped in religious ritualism. Prime Minister Indira Gandhi was equated with Maha Kali Durga and other Hindu goddesses merely to bag votes for the Congress party.

Brahmanism continues to dominate Hindu society and the Brahmins function as the repository of genius, talent and capability. In ancient Hindu India, they provided the chaplains and counsellors to the kings. It was the Brahmins who consecrated and blessed the royal elephants and horses before they embarked on war and they remained present in the royal camp praying and performing Yagna and offering sacrifices for success. The Brahmins enjoyed special rights and privileges in some Hindu States akin to the prerogatives of the clergy in medieval Europe. In Mysore, some members of the ecclesiastical class were exempted from attendance before civil courts. In one instance, the head of a Math was entitled to 'Bhiksha' (donation) from the State whenever he visited the city of Bangalore. In fact, "Dayanand's age saw the authority of the Brahmins. A Brahmin was all in all in the Hindu religion and an individual had no existence in Hinduism. A Brahmin was the shadow of God and it was the duty of the individual and society to obey his commands, as he was in possession of the divine wishes and a shadow of God. He was the supreme body of the society, uncontrolled by law, customs and social traditions. His words were law not the principles of the Vedas and the Puranas. It was he who controlled the whole system of Hindu life, its pantheon of gods and goddesses, its dogmas, its philosophy, its rituals, its



social economy and all that pertained thereto. He alone could define religion. The ghost of Brahmins was responsible for all evils of society and religion. Various rites and ceremonies had been devised and used as accessories only to fulfil the selfish desire of the Brahmins.”<sup>3</sup>

In fact, unlike Europe's experience, in India a conflict between the church and the state was inconceivable. There is no conflict between the Brahmins and the other sections of Hindus who voluntarily accept them as the doyen of their faith. President Giri is bounden to receive the blessings of Malik--Arjuna Swami at Srisailam Shrine whenever he visited Andhra Pradesh. President Zakir Hussain and his successor presidents and the Union Ministers are required to attend the Dussehra celebrations in the Ramlila grounds at Delhi. It has become customary for the Head of the State, whether Governor or President, to attend and inaugurate religious festivals. The inauguration of Government projects in the central States of the Hindi belt are invariably consecrated by Bhumi Puja performed by Brahmins and presided over by Ministers. The Brahmins are being slowly restored to their former glory as they are called upon to shower their blessings at all major functions. Even otherwise the Congress Chief Ministers must cater to the religious sentiments of the electorate including Sikhs, to get their support in the elections. The Chief Minister Gyani Zail Singh's Cabinet had the 642-kilometer Guru Gobind Singh Marg (started by Akali Cabinet) completed and opened on April 10, 1973. The ceremony was marked by a religious procession with the parkash of Guru Granth Sahib with Panj Piara (five beloved) in front followed by four army bands from the Sikh Regimental Centre and the Police band. The entire Cabinet participated in the Maha Yatra (Great March) for three days till it terminated at Damdama Sahib on April 13, 1973 (birth day of the Khalsa). This was all done to wean the Sikhs away from the Akali Party. When questioned over this 'unsecular' participation in the religious activities such as the opening of Guru Gobind Singh Marg, Ram Naumi fair at Amritsar and Maha Yatra at Sultanpur Lodhi in Kapurthala, Chief Minister Gyani Zail Singh justified the step stating, "no country or nation could afford to forget

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<sup>3</sup>Dhanpati Pandey 'The Arya Samaj and Indian Nationalism' p. 25.

its historical figures. Secularism does not mean atheism. They had to respect the religious leaders and great writers who had laid foundation of secularism.”<sup>4</sup>

In former times, Hinduism evinced all aversion towards proselytism. Accent had been laid on enlightenment of disciples rather than on propagation of the faith. This aspect, however, has been very much changed with the revivalism in Hindu society, the movement being spearheaded by the Arya Samaj. Enlightened Hindus have since supported the propagation of their faith. Patanjali Shastri, former Chief Justice of the Supreme Court, addressing a Hindu religious and cultural conference in Kerala in 1955 declared : “When their religion is being attacked and its deities are exposed to vilification and insult in public; is it not the obvious duty of the Maths to come forward and organise a counter-movement on missionary lines, not for proselytising, for that is foreign to the spirit and tradition of the Hindu faith, but for refuting and repelling these onslaughts by spreading knowledge, and pracharaks (preachers) can be employed as evangelists of the Hindu faith. Religious literature could also be published and distributed, summarising in easily intelligible form the teachings of the Vedas, the Upanishads and the Bhagwat Gita.” This was the stand adopted by the more liberal section of the Hindus. The Arya Samajists, however, spearheaded religious revivalism in the latter part of the 19th century. This movement had taken strong roots in the central Hindi belt and the northern zone. They were propagating their mission, called Shuddhi, which was the reproselytising of Musalman and Christian converts back to Hinduism. The Shuddhi movement of the twenties and thirties of this century had the backing of not only the Arya Samaj but also the blessings of most of the Hindu organisations in the country. V. D. Savarkar, President of the All-India Hindu Maha Sabha said : “Political power in democracy hinges more and more on the population strength of a community which in the case of Hindus must depend in the main on the proportion in which Hindus succeed in stopping the dreadful conversion activities of alien faiths and in accelerating the reconversion of the alienated numbers back to the Hindu fold. In a country like India where

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<sup>4</sup>‘The Tribune’ dated 20th April, 1973.



a religious unit tends inevitably to grow into a cultural or a national unit, the Shuddhi, the reconversion to Hinduism, movement ceases to be merely theological or dogmatic, but assumes the wider significance of a political and national movement. If the Muslims increase in population, the centre of political power is bound to be shifted in their favour.”<sup>5</sup>

The movement had its reaction on the Muslims and other religious groups and it was in this context that Gandhiji deprecated the movement stating, “in my opinion there is no such thing as proselytism in Hinduism as it is understood in Christianity or to a lesser extent in Islam. The Arya Samaj has, I think, copied the Christians in planning its propaganda. The modern method does not appeal to me. It has done more harm than good.....The Arya Samajist is never so happy as when he is reviling other religions. My Hindu instinct tells me that all religions are more or less true.” The movement, however, gained ground and for that Hindu States enacted legislation prior to partition putting restrictions on conversion from Hinduism. The States which enacted such legislation were Jodhpur, Kalahandi, Patna, Rajgarh, Udaipur, Sirguja and Kota. Legislation in some Hindu States provided that individuals seeking change of their religion had to submit applications to a designated officer who was entitled to investigate the bonafides of such applicants before permitting conversion. The legislation in other States prescribed for advance information to be submitted to the Government before such conversion was allowed. Legislation to regulate conversion was not only limited to Hindu States, but was also adopted by provinces, such as the Central Province which had enacted the Central Province and Bihar Public Safety Act 1947, which provided that “no person shall convert another person from that person’s religious faith to his own except before a district magistrate.”

It is against the backdrop of the main characteristics of the major religious group that we have to assess the secular functioning of the States and the Union. Donald E. Smith states “the conception of a secular State involves three distinct but inter-related sets of relationship concerning the State, religion and

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<sup>5</sup>‘The Hindu Mahasabha’ The India Year book, 1942-43, Times of India Press, Bombay p. 826.

individual. The sets of relationship are :

1. Religion and the individual (freedom of religion);
2. The State and the individual (citizenship);
3. The State and the religion (separation of State and religion)."

It is in the light of these factors that we have to assess the secular character and working of the State machinery and the administration of the Union.

Mr. Masani, an intellectual, and leader of the Swatantra Party, in reply to a question from Shah about his book 'Challenge to Secularism' writes : "Secularism is not necessarily a good thing. According to the Concise Oxford Dictionary the word means 'worldly' or 'sceptical of religious truth or opposed to religious education.' There is nothing secular about the Constitution of India or the Indian way of life. Our Constitution is not secular or anti-religious. It is pro-religious, wherever religion is referred to, but it refuses to discriminate between different religions. There is no established church or religion."

The basic character of a secular society or state is the desire for freedom of religion. The irony, however, had been that when discussions took place in regard to the formulation of Fundamental Rights 'freely to profess and practise religion' there was opposition to the addition of the words 'propagation of religion.' The Catholic Union of India and the All-India Council of Indian Christians had sought as far back as 1945 the following safeguard in the future Constitution of India; "the free profession, practice and propagation of religion should be recognised and the change of religion should not involve any civil or political disability." The Christian members led by Dr. H. C. Mukherjee on the Advisory Committee of Minorities and Fundamental Rights were in a bargaining position as Vallabhbhai Patel, Chairman of the Advisory Committee, wanted them to sponsor a move for foregoing reservation of seats for the minorities which had been previously accepted by the Constituent Assembly in August, 1947. It was because of this deal that Sardar Patel agreed to the incorporation of the clause 'propagation of religion' with profession and practice. This, of course, was also made 'subject to public order, morality and health and to the other provisions of this part.' This agreement was carried out and it was Dr. H. C. Mukerjee who later sponsored the withdrawal



of reservation of seats for the minorities and separate electorate in the Constituent Assembly. The interim report on Fundamental Rights included the key word 'propagate' subject to the proviso that "conversion from one religion to another brought by coercion or undue influence shall not be recognised by law." This involved a lot of interpretations as to what undue influence or coercion conveyed. This was opposed by the Christian minority. However, as a sequel to the earlier deal, Article 25 was adopted by the Constituent Assembly. It states that, "all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion."

The privilege of propagation by other religious groups was controverted by some sections of Hindu opinion. In pursuance of this view, Jetha Lal Joshi, a Congress member of the Lok Sabha, introduced a private Bill in 1954 entitled, The Indian Converts, Regulation and Registration Bill which sought that the persons and the institutions engaged in conversion of people would have to secure a license from the district magistrate; a register of conversion would be maintained; a prospective convert would have to make a declaration of his intention a month earlier as to the date of his conversion; both the parties, the license holder and the convert would be required to give the particulars regarding the conversion within three months after it took place. This extraordinary provision was objected to by a large section of other religious groups, but had the sympathy of the Hindu Congress members who tried to give different interpretations to such conversions. D. H. Deshpande, another Congress member, while supporting the Bill, said, "there is a political motive behind this conversion. It is not merely religious, there is a political motive behind it. What we suspect is...why should there not be in India a Christianistan even." The Bill secured support from the Hindus which necessitated intervention by Nehru who participated in the debate and said : "personally I would not pass such a measure unless it has the fullest support from the principal parties who are likely to be affected by it. If this measure apparently is meant to apply to Christian missionaries carrying on this conversion I would like the real decision to lie with the Christian members of this house. Let them decide." The Bill, however, was defeated due to the opposition of the Government at the

behest of the Prime Minister who was influenced by the Christian members.

A Bill entitled 'Backward Communities (Religion Protection) Bill' was sponsored by Prakash Vir Shastri, a prominent member of the Lok Sabha. It provided, "for more effective protection of the Scheduled Castes, Scheduled Tribes and other backward communities from change of religion forced on them on ground other than religious convictions." The Constitution already provides that the moment a member of the Scheduled Caste, Scheduled Tribe or backward classes entitled to privileges was converted to another religion, he would lose the same. This enactment was designed to further foil the disintegration of Hindu society arising from any conversion. The move of Prakash Vir Shastri, then member of the Swatantra party, was to augment consolidation of Hindu society. This Bill was defeated due to opposition by Datar, the then State Minister for Home Affairs, who labelled it as discriminatory and unconstitutional. These moves were aimed at curbing the growth of other religious groups at the expense of Hinduism.

Several other non-secular enactments have been brought on the Statute Book after Independence with a view to shielding the Hindu society. The Hindu Adoption and Maintenance Act 1956, specifically states in section 18 (3) that "a Hindu wife shall not be entitled to separate residence and maintenance from her husband if she is unchaste or ceased to be Hindu by conversion to another religion." Thus she is not entitled to separate residence or maintenance despite her husband keeping a concubine in the same house or treating his wife cruelly or even if he is suffering from a virulent form of leprosy. This legislation is obviously designed to protect Hindu society.

Section 26 of the Hindu Succession Act which was enacted the same year provides that "where before or after the commencement of this act, a Hindu has ceased or ceases to be Hindu by conversion to another religion all children born to him or her after such conversion and their descendants shall be disqualified from inheriting the property of any of their relatives, unless such children or descendants are Hindus at the time when the succession opens." This provision would naturally be a strong financial deterrent to the children or descendants from being converted to any other religion.



It is also clear that the constitutional privileges granted to the Scheduled Castes and Backward Classes by reservation of a fixed percentage in government and other public institutions are designed to safeguard and consolidate Hindu society by deterring the lower classes from seeking proselytism arising out of the unseemly treatment meted out to them by the upper classes. The Articles in part XVI of the Constitution relate to reservation of seats for the Scheduled Castes, Scheduled Tribes and Backward Classes in the legislatures and Government services both at the Centre and in the States. The Scheduled Castes, however, as defined in Article 366, Clause 24 are : "the President may, with respect to any State.....after consultation with the Governor or Raj Pramukh whereof, by public notification, specify which shall for the purpose of Constitution be deemed to be a Scheduled Caste in relation to that State." The President issued an Order, under Article 341 (1), called the Constitution (Scheduled Castes) Order, 1950, in which it was specifically provided that "notwithstanding any thing contained in paragraph 2, no person who professes a religion different from Hinduism shall be deemed to be a member of a Scheduled Caste." This order confined the constitutional privileges to the lower caste of Hindus. This was designed to deter the lower caste Hindus from seeking conversion to other religions. Accordingly when a member of the Paraiyan Scheduled Caste was converted to Christianity, he was deprived of the privileges granted by the State Government to members of the Scheduled Castes. This order was upheld by the Madras High Court vide 1952 Mad. 474 on the plea that the Constitution (Scheduled Caste) Order of 1950 restricted the term Scheduled Caste to Hindus alone.

According to the Constitution (Scheduled Caste) Order 1950, 34 different castes of the Punjab were notified as Scheduled Castes, and para 3 of the Order provided that, "no person who professes a different religion from Hinduism shall be deemed to be a member of a Scheduled Caste with the exception of four out of the 34 castes, i.e., Ramdasia, Kabir Panthis, Mazhbis and Sikligars will be deemed to be the members of the Scheduled Caste whether they profess the Hindu or Sikh religion." This naturally tempted the Sikh converts of the remaining 30 Scheduled Castes return to Hinduism to avail of the privileges. It was under such circumstances that Gurmukh Singh, a Sikh

member of the Bawaria caste filed a writ petition in the Punjab High Court asking for a declaration that the order was discriminatory, as it gave privileges to the Hindu and not the Sikh members of the Bawaria class. The High Court, however, considered the order to be valid. This naturally led to reconversion of the Sikh members of the 30 Scheduled Castes in Punjab to Hinduism to enable them to retain the privileges bestowed on Hindu members of their group. Master Tara Singh, the leader of the Sikhs, started a massive agitation in the State protesting against this discrimination. As no heed was paid by the Government, the agitation grew in intensity with Master Tara Singh announcing a 'Morcha' in 1953 and intention to march to Delhi with a view to court arrest. It was as an aftermath of this agitation that the privileges of the Scheduled Castes were also extended to the Sikh members of the remaining 30 classes. It is, therefore, apparent that the constitutional provisions were coined with the objective of protecting the Hindu society.

Article 25 of the Constitution provides that "all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion," but the provision has been retained that "nothing in this article shall affect the operation of any existing law or prevent the State from making any law, "Providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus."

The proviso provides for legislation for reformation of Hindu temples.

There was appreciation by the Hindu leadership in earlier days of the work performed by Christian missionaries in the medical, educational and social spheres and the attendant benefits accruing to the people from these institutions. But with the ushering in of Independence, "proselytization or propagation of religious activities" began to be looked upon by the Hindus with disapproval. Even Dr. Katju, the then Union Home Minister, evinced hostility. He interpreted the Constitutional provision to debar foreigners and to allow the right of propagation to Indian nationals alone. This interpretation was, however, struck down by the Supreme Court in 1954 in Tatti Lal's case in Bombay, where it was held that the constitutional



guarantees were applicable to all and not confined to citizens of India alone. The stance that Christian missions were anti-India was inspired by the secessionist movement of Nagaland, where there was a network of foreign missions. The impression gained was that the 'independence' movement in Nagaland was inspired and encouraged by the Christian missions to disrupt the integrity of the country. It was in this context that the Union Government refused visas to a large number of foreign missionaries, since 1952. The policy laid down was: "Missionaries returning from leave after five or more years of service in India will ordinarily be eligible for admission and new missionaries will not be admitted for work in border and tribal areas. Missions were required to obtain the approval of the Government before opening new centres or institutions."

The hostile attitude of Hindus towards the Christian missions and their 'proselytizing' activities has great significance. The Muslims after partition had ceased all activities of 'Tanzim' (organisation) or 'Tabligh' (conversion) as they were keen to mirror their loyalty to the majority community and to the Constitution in order to legitimize their position. The Christian missions, however, continued their proselytizing activities. This, to the Hindus, endangered their own solidarity, as the Christian missions were wooing the lower classes of Hindus by offering them equality of status in society. It was for this reason that the Christian missions became the target of attack at the hands of the Hindu leadership even at Governmental level. The Madhya Pradesh Government appointed the Niyogi Committee with M.R. Niyogi, retired Chief Justice of the Nagpur High Court, as Chairman and five Hindu and one Syrian Christian to investigate the charges against foreign missions in India. The Committee issued a questionnaire which included "Do you think that the conversion to Christianity adversely affects the national loyalty and outlook of the converts? Give instances and state reasons." The Committee toured the State, examined people and then submitted its report. The report smacked of unsecularism. It criticised the extravagant expenditure by foreign missions in India. The significant part of the report, however, was when it stated that "conversion muddles the converts' sense of unity and solidarity with the society; there is a danger to loyalty to his country and State being undermined." The

report further stated that "the Christian idea of a supernational loyalty to Christ has definite political implications smacking of extra-territoriality." The report continued, "evangelisation in India appears to be a part of the uniform world policy to revive Christendom for re-establishing western supremacy and is not prompted by spiritual motives. The object is apparently to create a Christian minority pocket with a view to disrupting the solidarity of non-Christian society." The Committee felt "that one of the objectives of accelerating conversion to Christianity was to disrupt the progress of 'national unity' in the new independent country, and another object was "to create a Christian party in the Indian democracy on the lines of the Muslim League ultimately to make out a claim for a separate State, or at least to create a militant minority." The report of the Committee implied that the unity of the country hinged upon the Hindu religion which should be kept intact. It, therefore, recommended that, "these missions whose primary object is 'proselytising' should be asked to withdraw. The large influx of foreign missions was undesirable and was to be checked. The right to propagate religion was to be limited to the citizens of India; the State Government was to have a Department of Culture and Religious affairs with the powers of censorship and literature meant for religious propaganda; without the approval of the State Government was required to be prohibited. It also recommended that the State Government should run orphanages and provide education, health and other services for the members of the Scheduled Castes and Tribes, the work which was being done by foreign missions. It is interesting to note that Prime Minister Indira Gandhi, while answering this question asked by the editor of 'Illustrated Weekly of India' in a special interview: "Have you seen the report on rates of growth of different communities?", retorted: "And have you seen the devious explanations of the Christians? They say it is due to conversions. How can that be true when so many States have legislation against missionary activity?"<sup>6</sup> How significant is the remark pertaining to the curbs on the growth of other religions.

In the United States and Western European countries, there is clear demarcation regarding the status of the predominant

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<sup>6</sup>'Illustrated Weekly' dated August 13, 1972 p. 12.



religion, the rights of religious minorities, the precedence of religious instructions in public schools and the status of ecclesiastical organisations. However in a country like India, which beats the drum of secularism, that all religions should be viewed through the secular periscope and there should be no brakes imposed on propagation of any religion or proselytism. But in reality the conditions prevailing in the country are an antithesis of secularism.

The Sikhs claim their religion to be distinct with its teaching based on the oneness of God, faith in the Ten Gurus and a separate social and religious order. Many Hindus, however, consider Sikhism to be an integral part of their religion. But the Sikh leadership has incessantly complained of State interference in their religious affairs since the partition of the country. It was to meet this charge that Nehru during his discussions with Master Tara Singh on April 11, 1959 agreed to constitute a four-man committee comprising of two nominees of the Punjab Government and two of Master Tara Singh, to probe into the allegations of interference in the religious affairs of the Sikhs and suggest remedial measures. The functioning of the Committee was sabotaged by the then Congress Government of Punjab, but its formation implied virtual acceptance of the necessity to examine charges of interference in the Sikh religion. This was a sequel to the no-confidence motion passed in the Shiromani Gurdwara Parbandhak Committee against its president, Master Tara Singh. The motion was sponsored, under official pressure, by the Sikh ministers including Gyani Kartar Singh, the then Minister in the Congress Government. In the wake of this, with a view to ousting Master Tara Singh from presidentship of the Gurdwara Parbandhak Committee, the Punjab Government sponsored the Sikh Gurdwara Amendment Bill to incorporate 35 additional members with the support of the 13 members of the Gurdwara Board of Pepsu, a nominated body and 12 co-opted members from Pepsu. It was at this juncture that Master Tara Singh launched his agitation in early October, 1958, for the creation of the Punjabi Suba. Despite the agitation concomitant with their protests from the Sikh community, the Gurdwara Amendment Act was passed in a modified form. This was also in contravention to the oft-recognised convention that there would be no amendment to the Gurdwara Act without

the consent of the Shiromani Gurdwara Parbandhak Committee.

Another recent illustration of interference in minority's religious matters is that of the Delhi State Gurdwaras. The management of these Gurdwaras was for a long time under dispute among the different parties of the Sikhs in the Union Territory of Delhi. Litigation was pending and the elections to the then Managing Committee were stayed by the Delhi High Court, pending an appeal against a certain decision by a civil court on a suit about the validity of the then existing Managing Body. The dispute had created a law and order situation which could have been dealt within the normal course of events, but the Union Government replied with Ordinance No. 9 of 1971, delegating control of the gurdwaras to a board "nominated by the Central Government from amongst persons having knowledge or practical experience in respect of such matters as the following, namely : social service, public affairs, management of public institutions, finance and law." Though the Central Act as substitute to the Ordinance, received the assent of the President on 3rd December, 1971, yet no elections were held. This immoral intervention in their religious affairs enraged the Sikhs. The Shiromani Gurdwara Parbandhak Committee passed a resolution expressing extreme resentment over the injustice meted out to the community by the Union Government by delaying the creation of Punjabi Suba for 18 years, and stated that : "Attempts have been made from time to time by the Congress Government at the Centre to interfere in the affairs of the Shiromani Gurdwara Parbandhak Committee and the management of Gurdwaras through its agents. The Central Government took over the control of Delhi Gurdwaras in its own hands by an Ordinance, although it was through the efforts of the Shiromani Gurdwara Parbandhak Committee that the control of these gurdwaras was gained for the Panth from the mahants. But the Government again assumed control of these gurdwaras in an illegal manner and thus deprived the Sikhs of Delhi of their constitutional right to govern their gurdwaras....." The Sikh leadership could not tolerate this interference in their religious affairs. So the president of the Shiromani Akali Dal announced a morcha whereby Sikhs in batches proceeded to Delhi and courted arrest, while making attempts to occupy the Sis Ganj Gurdwara which was the cen-



tral Gurdwara in the Union Territory of Delhi. This movement which commenced in the middle of September 1971, led to the arrest of about 13,000 volunteers including most of the Akali ex-M. L. As and ex-ministers of the former ministry. The morcha was suspended as a patriotic gesture with the outbreak of war with Pakistan.

Although the British had adhered to the policy of strict religious and social neutrality, they were not happy with the shackles of orthodoxy. They introduced certain progressive reforms which included the abolition of Sati in 1833 and the suppression of child infanticide. They also regulated the holding of the Kumbh Mela at Allahabad where gargantuan crowd gather in intervals of 6 and 12 years.

It was in this context that Article 25 of the Constitution was enacted. It laid down that the right freely to profess, practise and propagate religion would be "subject to public order, morality and health and to other provisions of the Constitution". These provisions, bestowing power on the State in religious matters, are being used not only for regulation of religious practices, but also for the consolidation of Hindu society and religion. There are certain enactments, no doubt, which are in consonance with the progressive thinking of the day, but some States, as well as the Union of India, during the last 27 years, have embarked on legislation which can be interpreted as purely communal and unsecular. The Supreme Court, time and again, had to strike down such legislation. Madras State had, as far back as 1950, enacted "an act to prohibit the sacrifice of animals and birds in or in the precincts of Hindu temples in the State of Madras." This was necessitated as the Shakti ceremony involved the mass sacrifice of animals and birds in reverence to god and goddesses. The Madras Devadasis (Prevention and Dedication) Act sought to put a moratorium on dedication of girls to temples. Madras also pioneered the opening of temples in the State to Harijans which was followed by Madhya Pradesh, Bihar and Bombay. It was followed by the Untouchability (offences) Act in Parliament which made any bar to the entrance of Harijans into Hindu temples punishable by six months' imprisonment. All these Acts of legislation were no doubt progressive, but they could not be termed secular as they were solely designed to streamline Hinduism.

Madras continued to be the Pioneer in the reformation of Hindu temples. It enacted the Madras Hindu Religious and Charitable Endowments Act in 1951, which sought to create a new department headed by a Commissioner for Hindu religious and charitable endowments. This Act vested certain powers in the Commissioner, "laying down that "the administration of all religious endowments shall be subject to the general superintendence and control of the commissioner....." This act was subsequently challenged in the Supreme Court which erased some powers of the Commissioner and his subordinates pertaining to entry into religious places, but it approved prerogative to make modifications in the budgets of such religious institutions. In the wake of this decision, the Madras Legislature enacted the Hindu Religious and Charitable Endowment Act, 1954, which enlarged the State control and the Commissioner was empowered to direct the utilisation of surplus funds for particular religious, educational and charitable purposes. On the heels of the revocation of certain provisions of this Act by the High Court, the Madras Hindu Religious and Charitable Endowments Act was passed, in 1960. These enactments provided Hinduism with an ecclesiastical machinery which helped in its furtherance and promotion. That these enactments were far from secular is revealed by the Administrative report of 1958-59 regarding the working of earlier enactments, which reads :

- “(1) Drive for the renovation and repair of temples—‘A fillip was also given to the drive by giving Government grants of Rs. 3,00,000 to the needy and important institutions numbering 67.’
- (2) Drive towards ‘improvement of religious atmosphere of temples to make them serve as living centres of religious culture.’
- (3) ‘Religious propagationists were recommended and religious discourses were arranged on ordinary and special occasions’.
- (4) ‘Festival programmes were arranged to be printed and pamphlets distributed to the worshippers. Important festivals were arranged to be published in newspapers.’
- (5) ‘Publication of religious books.....under the auspices of religious institutions was encouraged’.



- (6) Devotional songs of eminent musicians 'were encouraged to be recorded and gramophone plates of such songs made available to be broadcast through amplifiers in temples.'
- (7) A fortyfive day 'refresher course' in the Agamas was provided for temple priests.
- (8) A monthly journal was published in Tamil by the department ; alongwith administrative matters there are articles on the activities of temples, the importance of rituals and worship, the significance of certain festivals and the history of saints."

Many other States also took up legislation to control and regulate the functioning of Hindu religious institutions. Andhra Pradesh enacted the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act in 1966, replacing the previous Act of 1951. Section 46 vested the Commissioner with power to enquire into, suspend and remove the Mathadhepats of Hindu religious institutions. This Act was held valid by the Supreme Court vide 1970 S.C. 181, saying that it did not infringe Article 25 or impair the autonomy of the religious institutions. Similarly Bihar had enacted the Bihar Hindu Religious Trust Act of 1951 in which similar powers had been assigned to the officials. Orissa also enacted the Orissa Hindu Religious Endowment Act 1961. Section 27 of the Act authorised the Assistant Endowment Commissioner to appoint non-hereditary trustees for Hindu religious institutions. It also vested supervisory powers in the Assistant Endowment Commissioner.

Legislation pertaining to the control and superintendence of Hindu religious institutions in different States was backed by Hindu public opinion. Prime Minister Nehru announced in the Lok Sabha in 1959 that legislation on all India basis to prevent misuse of public funds of Hindu temples and Maths was under review. The Central Government appointed the Hindu Religious Endowment Commission in March 1960 under the presidentship of Dr. C.P. Ramaswamy Aiyar to examine the issue of Hindu religious endowments and recommend measures for improvement. The Commission circulated a panel of questions on the subject, and toured the country to ascertain the views of Hindu leaders and bodies of different shades of opinion. Shortly after the appointment of the Commission, the

Law Minister introduced the Religious Trust Bill in 1960, limiting its application to Hindu trusts and recommending appointment of a Commissioner of religious trust in each State who was to be vested with extensive regulatory powers over Hindu endowments. This bill proved abortive as the Commission's report was under preparation. The Commission submitted its report after two years. It recommended legislation in Assam, Punjab, West Bengal and Uttar Pradesh where there was no provision for Government's supervision of temples. Such legislation already existed in the other States. The Commission felt perturbed at the poor education of Hindu priests and recommended that each State should establish institutions for their education in rituals and Sanskrit scriptures. The Commission further recommended the establishment of Hindu theological colleges in different parts of the country where religion and the humanities should be studied on the pattern of western countries.

Legislation was also extended to other religious groups. The Centre enacted the Muslim Waqf Act in 1954 which was applicable to all the States except Jammu and Kashmir. It provided that Bihar, Uttar Pradesh, Delhi and West Bengal, which had already introduced legislation for controlling and regulating the functioning of the Muslim Waqfs, could also apply for its application in their territories. The Act authorised the States to appoint the requisite number of Commissioners and Assistant Commissioners of Waqfs for making a survey of Waqf properties. It also authorised the State Governments to establish boards of Waqfs and appoint its members for superintending purposes and to further ensure that the Waqf properties under their superintendence are properly maintained, controlled and administered, and the income thereof is properly utilised. Similar legislation exists in Uttar Pradesh, West Bengal, Bihar and Delhi. Uttar Pradesh enacted the Uttar Pradesh Muslim Waqf Act 1960 replacing the Uttar Pradesh Waqf Act of 1936. West Bengal had enacted the Bengal Muslim Waqf Act 1951 and Bihar the Bihar Muslim Waqf Act, 1963. The Dargah Khawaja Sahib Act of 1936 was replaced by the Dargah Khawaja Sahib Emergency Provision Act of 1950 for controlling the Dargah Khawaja Sahib at Ajmer, an important Muslim institution.

The Sikh Gurdwara Act of 1925, which regulates the work-



ing of the Gurdwaras through a board known as the Shiromani Gurdwara Parbandhak Committee, has been amended thrice after partition. The amendments made in the said Act on the merger of Pepsu with Punjab provide for bringing certain historical Gurdwaras in Pepsu within the purview of the Sikh Gurdwara Act of 1925.

There is no gainsaying the fact that it is incumbent upon the State to introduce regulatory legislative measures to meet the demands of the different section of society to protect their institutions and places of religious worship from exploitation for individual benefit. When, however, such legislation consolidates the powers of the major religious group, the secular character of the State becomes doubtful. Such legislation at the Centre and in the States has unfolded the penchant for strengthening the Hindu religion. The Government should see to it that in a heterogeneous society the State is delinked from religion. It should only intervene on occasions of communal discord. In a pluralist society, such as India, each culture should be allowed autonomy, the function of the State being to keep the balance between the divergent cultures, religions and social orders. The manifold legislations intruding upon the religious affairs of the minority groups is a living testimony of the non-secular character of the Government. Such moves by the State which are detrimental to the interests of minorities have led to agitations among the Muslims, Christians and Sikhs.

Many eminent Hindu leaders have laid bare the unsecular nature of legislation such as the Hindu Religious Endowment Act, Hindu Succession Act, Hindu Marriage Act and others enacted by the Central and State Government for reformation of Hindu temples, religious endowments and personal laws. Piloting the Hindu Marriage Bill in the Lok Sabha in 1955, the Law Minister set the ball rolling by his exposition of the Hindu concept of Dharma, vis-a-vis, the dogmas of Islam and Christianity. He made references to the '*Bhagavat Gita*' and cited quotations from the '*Hindu Smritis*', '*Arthashastras*' and other scriptures in support of his thesis that divorce did exist amongst Hindus in ancient times. Acharya Kripalani, a prominent member of the Opposition in the Lok Sabha and once President of the Congress, reacted : "We call our State a secular State. A

secular State goes neither by scriptures nor by customs. It must work on sociological and political grounds.” N. C. Chatterjee, a prominent member of the Opposition and an eminent lawyer, while opposing the Hindu Adoption and Maintenance Bill, said : “that adoptions among Hindus were based on a spiritual concept, namely, the necessity of having a son to offer ‘*pindas*’ (offerings) after the father’s death, a function which could not possibly be performed by a daughter.” N. C. Chatterjee subsequently charged the Nehru Government with communalism by modifying the Hindu Law alone which he alleged was contrary to the fundamental rights in the Constitution. He said : “Again, why is this attempt to change the personal laws confined to Hindu society alone ? Is this not communal legislation repugnant to the clear directive principles of the Constitution that there should be a uniform civil code for all the citizens of India.”\* Acharya Kriplani, echoed the same sentiments : “If we are a democratic State I submit, we must make laws not for one community alone. Today the Hindu community is not as much prepared for divorce as the Muslim community is for monogamy.....Will our Government introduce a Bill for monogamy for the Muslim community ? Will my dear Law Minister apply the part about monogamy to every community in India ? .....I tell you this is a democratic way; the other is a communal way. It is not the Mahasabhites who alone are communal; it is the Government also that is communal, whatever it may say.”\* N. C. Chatterjee characterised such legislation as “imbued with western ideas. Some people in power are seeking to change the basic concept of Hindu dharma by making laws which are repugnant to the basic principles of Hinduism.” Another member of the Lok Sabha, V. J. Deshpande viewed these measures as constituting “a big conspiracy to encroach upon the personal law of the Hindus.” Dr. Gokal Chand Narang, a prominent Hindu Sabhite also characterised such legislation as communal by stating that “to pass a measure affecting the Hindus alone with votes which will include the votes of non-

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\*<sup>6</sup>The speech in Delhi under the auspices of All India Convention on the Hindu Code, April 15, 1955.

\*<sup>7</sup>Acharya Kriplani’s speech on April 10, 1955 at the All India Convention on the Hindu Code Bill.



Hindus is anything but fair and just.” Dr. Radhabinod Pal in his presidential address at the All India Convention on the Hindu Code, emphasised : “If the legislature is thinking of reverting to the Vedic age in respect of the Hindu law then I believe many other changes have to be introduced and I do not think that the particular change proposed in the code will be at all justified.”

Though the objectives behind legislations introduced to modernise Hindu society and grant special privileges to the depressed classes are laudable, the mere fact that it is confined to one religion smacks of communalism, and is the antithesis of a classless secular society. Such nuance between different strata of society was described as discriminatory by Kaka Kalelkar, a prominent Congress social leader who was appointed Chairman of the Backward Classes Commission which was required to classify backward sections of people other than the Scheduled Castes and Tribes. The Commission worked out a list of backward classes solely on the status held by them in the social hierarchy. It recommended recognition of 2399 additional castes as backward and eligible to special privileges and benefits. The Chairman, in his dissenting note said that the therapy suggested was worse than the evil sought to be removed. He found that the backwardness could be tackled on the basis other than of caste. He considered the grant of such privileges on caste basis as particularly discriminatory when it was denied to the poorer strata of Christian and Muslim converts or to indigent sections of the upper Hindu castes who were living below the poverty line.

Acharya Kriplani's version of such legislation relating to one community alone can be analysed from his speech on April 10, 1955 at the All India Convention of the Hindu Code Bill. He said : “If they (members of the legislature) single out the Hindu Community for their reforming zeal, they cannot escape the charge of being Communalist in the sense that they favour the Hindu Community and are indifferent to the good of the Muslim Community or the Catholic community in the matter of divorce. Do we want one community to be in advance of other communities in India, simply because it happens to be in majority ? The charge levelled against the Hindu Community is that they want their community to be in more advan-

tageous position than the other communities". He further said, "whether the Marriage Bill favours the Hindu community or places it at a disadvantage, both ways it becomes a communal measure."

The special privileges allowed to Hindu depressed classes comprise : (i) reservation of seats in legislatures; (ii) reservation of seats in government services; and (iii) special educational and economic aid. Articles 330, 333 and 334 provide for reservation of seats in proportion to their population in States. Educational concessions to Harijan children comprise free tuition, stipends, scholarships, books, stationery and at places clothing and mid-day meals. The Harijan Welfare Departments in some States, have undertaken various projects of economic aid by directly providing free reclaimed waste land, irrigation facilities, housing sites, wells and sanitary amenities, credit co-operative facilities for purchase of live stock, fertilisers, tools, seeds etc. The provision for reservation of seats in legislatures to Scheduled Castes and Tribes has been extended for another ten years from 1970. Article 46 of the Constitution states : "The State shall promote with equal care the educational and economic interest of the weaker sections of the people, and, in particular, of the Scheduled Castes and Scheduled Tribes." The Untouchability (Offences) Act of 1955 by the Centre and allied legislation in the States have been designed to eradicate untouchability among the Hindus. Article 15(1) of the Constitution lays down that "the State shall not discriminate against any citizen on ground only of religion, race, caste, sex place of birth, or any of them," but, paradoxically, Article 341 (1) empowers the President to specify by special Order the castes "which shall for the purpose of Constitution be deemed to be Scheduled Castes," and thus entitled to the privileges of Backward Classes. The Order promulgated by the President in 1950 lays down that "no person who professes a religion different from Hindus shall be deemed to be a member of a Scheduled Caste." This order of the President had encouraged several State Governments to withdraw educational and economic benefits that were available to backward classes converted to other religious groups. These laws were discriminatory, as they confined the grant of privileges to the Hindu lower castes alone. The Christian leader-



ship as a result made the following representation in Parliament "A great source of distress to the Christian community has been the refusal, by almost all the State governments, to give Harijan converts to Christianity the educational, social and economic assistance which is being given to Hindu Harijans. We realise that the Scheduled Caste Christians are not to be included in the provision for the reservation of seats in the legislature which has been judged necessary for the Hindus and Sikh Harijans for a time. But the case for economic assistance is based on other grounds. It used to be given to Scheduled Caste Christians, even then they were politically merged with the other Christians. They live in the same economic and social conditions as Hindu Harijans and need the protection of Government as much as the others." It was after much effort that the Governments of Andhra Pradesh, Madras and Kerala were prevailed upon to grant concessions to Christian converts. In some States, the Scheduled Castes of other religious groups are classified as Backward Classes and given considerably less concessions than extended to the Hindu Scheduled Castes. The Neo-Buddhists from the Scheduled Castes, (converted to Buddhism at the instance of Dr. Ambedkar) faced the same difficulty in 1956. Their delegation comprising of eight Members of Parliament belonging to the Scheduled Castes Federation met the Prime Minister who spurned their complaint of being discriminated against. The Scheduled Castes Federation embarked upon an extensive agitation for restoration of the privileges to the Scheduled Caste converts to Buddhism. The Maharashtra Government alone was persuaded to restore this concession in 1960 to the Buddhist converts from the Scheduled Castes and Scheduled Tribes. However, the Christian converts in Maharashtra, the Neo-Buddhists in Gujarat, Punjab, Uttar Pradesh and other States are not entitled to these concessions. The Lok Sabha rejected a non-official resolution in 1961 which sought extension of the privileges and concessions of Scheduled Castes and Scheduled Tribes to the Neo-Buddhists throughout the country. The advocates of the resolution vehemently contended that the concessions and privileges were intended for all backward sections of the society in India and not for a particular religious groups, and as such there was no justification in denying them access to these benefits. The Government how-

ever opposed the resolution on the plea that extension of such grants would violate the spirit and letter of the Constitution wherein the Hindu religion alone recognised the Scheduled Castes and Tribes as their integral part.

It is thus obvious that the purpose of vesting constitutional privileges in the Hindu Scheduled Castes and Tribes is to maintain the solidarity of the Hindu community by discouraging conversion to other faiths, and thereby indirectly rewarding the loyal lower caste adherents of the majority community. The discriminatory measures undertaken by the Central and State Governments exposed their prejudice in favour of the majority religion and their desire to see Hindu political predominance in India. The position of the Government towards the educationally and economically backward classes was redolent with a communal flavour. It was in this context that the 'Hindu', a prominent newspaper of the South wrote : "Our Governments proclaim their fidelity to secularism and their hostility to casteism. Their policies for uplifting the backward classes are, however, fundamentally vitiated by identifying backwardness with caste and sub-caste. The result is that casteism flourishes, while no attempt is made to find out who are really backward and to give them a helping hand irrespective of whether they belong to this or that caste or sect or other socio-religious group. Poverty, ignorance, ill-health are to be found in every community; and the recognition of the citizen's fundamental rights involves the acceptance by our governments of their obligation and not to assume without question that a man must be well off because he belongs to a particular community or that another must be badly off because he belongs to a community which the Government has chosen to describe as backward."<sup>7</sup> The general current of opinion is that there is dissonance between the Hindu and non-Hindu lower classes, the former who are designated as Scheduled Castes and Tribes are accorded preferential treatment. The State's implementation of the legislations reduces Nehru's vision of a classless society to a chimera who wrote : "After all, the whole purpose of the Constitution, as preclaimed in the Directive Principles, is to move towards what I may call a casteless and classless society."

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<sup>7</sup>Donald Smith (Quoted) 'India as a Secular State' p. 315.



There are many spheres in which the secular functioning of a Government can be assessed, particularly, education. The British adhered to the policy of religious neutrality and shied away from measures which would tread on Indian corns. However, as they were inclined to break the shackles of obscurantist feudalism, they opened Christian missionary schools in Bengal, Madras and at other places, as avenues through which Christianity would filter to the people. During the regime of the East India Company, some oriental institutions, like the Sanskrit College, Calcutta, were established. It was, however, in 1835 that the Government took a decision to expend public funds propagating English literature and Western sciences, with the proviso to maintain religious neutrality in government institutions. It was generally believed that "no Hindu, who had received English education ever remains sincerely attached to his religion." Western education encouraged secularism, giving birth to several reformist and revivalist movements. On transfer of power from the East India Company to the British Crown, the policy of religious neutrality was continued, ecclesiastical teaching being excluded from Government institutions. The Government, however, did not impose any brakes in the imparting of religious instruction in private communal schools and colleges run by Hindus, Muslims and Sikhs. Such institutions were boosted by the Government through a grant of financial subsidies. Such grants-in-aid by the State gave a fillip to the revivalist movements, such as the Arya Samajists, a fanatical caucus of the Hindus.

On attainment of Independence, Maulana Abul Kalam Azad assumed the portfolio of Education at the Centre, to project an image of secularism. Maulana Azad complained of religious chauvinism in the country. The panacea to him, did not lie in the provision of a purely secular curriculum in Government institutions, as parents in that case would turn to private religion oriented institutions but to safeguard the country against fanaticism by withdrawing imparting of religious education from private bodies. "A national Government cannot divert itself on undertaking this responsibility," he added. This secular educational policy of the Government was obstructed from the start by the Hindus who carried Nehru's sympathy.

It was ultimately decided to vest 'education' in the State list,

with the provisions in Articles 28 (1) 29 (1) and 30 to safeguard the interest of the minorities. Article 28 (1) provides : "No religious instruction shall be provided in any educational institution wholly maintained out of the state funds." The significance lies in the word 'wholly'. Article 29 (1) says : "Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script and culture of its own shall have the right to conserve the same." Article 30 declares : "(i) All minorities, whether based on religion or language shall have the right to establish and administer education in institutions of their choice; (ii) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language." This policy was no doubt generous towards the minorities, but was repugnant to the concept of secular nationalism. The main obstacle to progressive education was the parochial outlook of the leadership at all echelons. C. Rajagopalachari said : "Religion is our real policeman. It is, however, necessary that we should all be strengthened, each in his own religion." This was the wave of feeling that swept the country. Gandhiji, however, tried to eliminate sectarian and dogmatic religious institutions from the Wardha scheme, "Fundamentally, the principles of ethics are common to all religions" he wrote. "They should be regarded as adequate religious instructions so far as the schools under the Wardha scheme are concerned." Such liberal views were abandoned at the dawn of Independence. The University Education Commission in 1950 under the chairmanship of Dr. Radhakrishnan probed threadbare the subject of religious education and recommended that sectarian religious tenets should have no place in Governmental educational policy which should only cater for instruction in universal religion.

The recommendations were not generally welcomed in the country. The executive committee of the Church of South India Synod issued a statement opposing common worship. It stated, "as Christians we do not and cannot believe that the knowledge of God, a true community based upon the knowledge, can be achieved by adding together or pulling together all men's beliefs about God. On the contrary, we believe that God has provided the final and sufficient revelation of Himself in Jesus Christ."



The Muslim and Sikh leadership also set their faces against the proposal of common worship. It was in such a milieu that the different denominational institutions were allowed to function up to the university stage. The post-Independence era witnessed a diffusion of Government subsidised denominational institutions up to university level throughout the country. The grievance of the minority communities is that Governmental assistance given to sectional educational institutions is redolent with communal discrimination and partiality. The educational policy of the State does not subsidise the forging of national solidarity, but on the contrary, it gives fillip to centrifugal and fissiparous tendencies in the country by strengthening the majority grant.

The Government also intervenes in the realm of culture. There is no composite culture in the country, and cultural revivalism witnessed in the pre-partition era was confined to the different religious groups. The Muslims and Christians have their distinct cultures and suspect that Indian culture is synchronised with Hindu culture. Some of the rituals no doubt were common to Hindu and Sikhs, hence they were considered near to each other culturally. However, the experience of the past 27 years and, in particular, the apostatising from their mother tongue by the Punjabi Hindus has made the Sikhs conscious of possessing a distinct culture. What is culture after all? It represents "the material, social religious customs, and behaviour patterns, all of which are unified by common beliefs and values." It can be argued that the distinct and different values of culture flow from religion and as such faith is the axle tree of culture. It is, therefore, apparent that there is no common culture in the country, and what is termed as Indian culture is basically Hindu culture. Gandhiji at one time said, "Indian culture is neither Hindu, Islamic nor any other wholly, it is the fusion of all." The acceptance of the two nation theory, the watershed between the different cultures in the post-partition period and the absence of emotional integration between the Hindus, Muslims, and other groups, has kept each culture apart. Pandit Jawaharlal Nehru controverted the synonymity of Indian with Hindu culture and expressed the view that Indian culture was a fusion of Hindu and Islamic cultures. But his thesis is not relevant to modern conditions. Nehru, an apostle of the predominance of Indian culture, set up a separate

Ministry of Cultural Affairs cum Scientific Research. Professor Humayun Kabir was put at the head of the new Ministry to give it the veneer of secularism. The scholarly professor, an ardent advocate of Hindu-Muslim unity, was a fit person for the portfolio. The function of the Ministry was to supervise national academies in addition to the promotion of cultural relations with different foreign countries. An autonomous body, the Indian Council for Cultural Relations, was brought into being by this Ministry to patronise different institutions. Although the Ministry sponsored different creeds and cultures, it nevertheless moved in the traditional rut and could not bring about evolution of a common culture.

Besides religion, language is another important factor which contributes to the creation of a common culture. Hindi came to be recognised as the national language in the Constitution in the face of opposition. The Cinderella like treatment meted out to Urdu, which was recognised as Hindustani by Gandhiji and is accepted as the language of the Muslims, the largest minority, and the non-implementation of the three language formula designed to dissolve the linguistic conflict in the country are crucial manifestation of the unsecular tilt of the Government machinery of the various States. Though some claim that Urdu has a foundation of Sanskrit, yet it has a large Persian admixture which was nurtured during the period of Muslim suzerainty. A good number of Hindu poets and writers contributed to the growth of Urdu in India. Some of the eminent names are Daya Shankar Nasseem, author of the classical poem, *Gulzare Naseem* or *Gulbakauli*, Rattan Nath Sarshar, author of the prose romance of *Fasana-e-Azad*, Prem Chand, the eminent short story writer, Naubat Rai Nazar Lakhnawi, poet and writer, Brij Narain Chakbast Lakhnawi, Lala Sri Ram, author of *Khum-Khana-a-Jawid* the reputed biographical dictionary of Urdu poets, Piare Lal, a noted writer in Punjab, Ram Babu Saxena, author of the best known *History of Urdu Literature*, Daya Narain Nigam, editor of the prominent Urdu literary magazine, 'The Zamana', Suraj Narain Mehar, Tarlok Chand Mehrum, Labhu Ram, Josh Malsiani, Durga Sahai Saroor, Firaq Gorakhpuri, Anand Narain Mulla, Brij Mohan Dattatreya Kaifi and many others. We have in our own generation eminent Urdu writers like Hari Chand Akhtar,



Rajinder Singh Bedi, Balwant Singh, Jagan Nath Azad and Dwarka Dass. Despite the singular contribution by individual Hindus to the development of Urdu, it became the initial target of Hindu hostility towards Muslims in the latter part of the 19th and earlier part of the 20th century. It has been rightly observed by the French scholar Garcon Datassi that the Hindus wanted to erase all residues of the Muslim rule.

The tragic part of the situation, according to the Muslim view, is that though Urdu is spoken by nearly 10 million people in Uttar Pradesh, it has not received official recognition. The Commission for Linguistic Minorities observed during 1959 that a child whose mother tongue was Urdu was debarred from studying the language in Uttar Pradesh except as an optional subject after the sixth standard. Urdu could not be used as a medium of instruction even in the schools run by linguistic minorities. The Anjuman-e-Tarraqi-e-Urdu presented a petition in 1954 on behalf of the two million citizens of Uttar Pradesh to the President of India praying that Urdu be recognised as one of the regional languages under Article 347 of the Constitution. Again in 1956, nine lakh citizens of Bihar sponsored a similar petition, but the Hindu majority in both the States spurned it as a communal issue. W. C. Smith, in his book, 'Islam in Modern India', felt that "the Muslim community is in danger of being deprived of its language.... Nine years of gradual adjustment in other fields have brought no improvement in this and little prospects of improvement."<sup>9</sup>

Urdu is not merely the language of the Muslim population of the country, but is spoken by a large section of Hindus even in the States of the Hindi belt. Its Indian origin has never been in doubt. Professor Mohammad Hussain Khan claims : "One who is acquainted with the history of Indo-Aryan Languages would claim its continuity from the times the Aryans entered into India somewhere about 1500 B. C. This language existed even then in India though its name and form were different. The current of the language has been continuously flowing on our land from very olden days, and its prominent characteristic has been to combine into it all sorts of progressive influences."<sup>10</sup>

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<sup>9</sup>W. C. Smith 'Islam in Modern India' p. 267.

<sup>10</sup>Radiance, February 11, 1968.

It is "one of the very few modern languages, which can be styled truly 'modern', for its past is embedded neither in any theology nor a religious ritual. But from its earliest days its literature, especially poetry, had a proud heritage of humanism, liberalism and love. Urdu literature has always been non-conformist, always critical of dogmatism and narrow chauvinism of every variety. Urdu mystic vision believes in the unity of all religions and has firm secular roots." It is further claimed, "all great battles of social changes were either fought through Urdu or have left a deep impact on it. The movements, First War of Independence of 1857.....Reformist movement of Sir Syed Ahmad Khan, the Arya Samaj, Khilafat, the Indian National Congress Movement.....The battle of Punjabi Suba have all used Urdu in the struggle."<sup>11</sup>

There are 68 dailies in Urdu in the country and the total number of its periodical journals stands at 772, next only to English and Hindi. One of its journals has an annual circulation of more than 75,000. The fact that Urdu is being meted out this Cinderella like treatment, is a direct product of Hindu prejudice and Hindi nationalism. It is not a linguistic but a political conflict, as a large section of Hindus feel that Hindi symbolises and represents Hindu culture and must, therefore, be accepted by all those who live in the country. Imposition of Hindi under the guise of a national language is a design of the ideology which Guru Gowalkar, Chief of the R.S.S. propounded in 1947 : "The non-Hindi people of Hindustan must either adopt Hindu culture and language, must learn and respect and hold in reverence the Hindu religion, must entertain no ideas but those of glorification of the Hindu race and culture, i.e. they must not only give up their attitude of intolerance and ungratefulness towards this land and its age-long traditions, but must also cultivate the positive attitude of love and devotion instead in a word, they must cease to be foreigners, or may stay in the country wholly subordinated to the Hindu nation, claiming nothing, deserving no privileges, far less any preferential treatment—not even citizens' rights."

The States Reorganisation Commission in its report publis-

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<sup>11</sup>Dr. Mohammad Hussain Khan 'Urdu without Blinker: Secular Democracy' p. 27-28.



hed in 1955, admitted, "During the course of our enquiry, the question of reinforcing the existing system of safeguards for minorities figured prominently. It was strongly urged before us that the safeguards for minorities embodied in the Constitution have proved inadequate and ineffective against the cultural oppression of linguistic minorities and their economic exploitation. Whatever be the merits of this assertion, we have to take into consideration the fact that large sections of public opinion, both among the proponents and opponents of linguistic States, favour the strengthening of the existing constitutional guarantees to linguistic minorities." The report further stated "the more important aspects of the problem, however, are the right of linguistic minorities to instruction in their mother tongues, the use of minority languages in the administration, and the representation of the minorities in the State services. The language of instruction in educational institutions and the language of the administration are matter that touch in practice, many vital aspects of life of every individual. They, therefore, constitute what we regard as the core of the problem of linguistic minorities."

A large section of Muslims sincerely believe that the treatment meted out to Urdu was a veiled genocide which led to anti-Muslim tension. The Congress Working Committee discussed the issue of Urdu in August, 1967, without arriving at any decision. The Statesman, in its Delhi edition of August 2, 1967, correctly assessed the attitude of the Congress Working Committee in these terms : "Instead of giving any clear opinion on the focal point of controversy, whether Urdu should be recognised as second language, the Committee reiterated that the language should be given due 'recognition' and the Congress should approach with a liberal attitude in this regard." The Congress Working Committee allowed the recognition of Urdu to go abegging, leaving it in a lurch in predominantly Hindu States. The Statesman Correspondent later reported that, "In relation to Uttar Pradesh, however, the minorities spokesman says that the facilities for instruction in Urdu are inadequate but the State Government maintains that there is no demand for them. Urdu-speaking children are, it claims, opting of their own for Hindi so as not to get isolated from the mainstream of the State's life."<sup>12</sup>

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<sup>12</sup>'The Statesman' dated August 27, 1967.

A nationalist writer echoed the views of the Muslims, on this issue, thus : "The economic depression in which the Muslims of the higher and middle classes found themselves naturally cramped their culture and educational life. An additional difficulty which they had to face in the Hindi-speaking States and which had made their cultural crisis more acute, was that the Urdu language was not only being pushed out of courts and offices, but also being banished from schools. In the 18th and 19th centuries, Urdu had been the common cultural language of Hindus and Muslims in these parts but, within the last seven or eight decades, most of the Hindus had given up Urdu and adopted high Hindi as their cultural language. The Muslims as a community had, however, stuck to Urdu because in the course of the last two centuries they had made it, instead of Arabic or Persian, the store-house of all the religious scientific and literary wealth which they had inherited from their ancestors or produced themselves. Abandoning it at this time would have been educational and cultural suicide for them. But now in the Hindi States, especially in Uttar Pradesh, it looked as if the teaching of Urdu to children would be stopped because generally in government schools Urdu was jettisoned from the syllabus."<sup>13</sup> Further, "still the Muslims and other Urdu-speaking people have serious grievances especially in one or two Hindi States, that neither in offices and courts, nor in the schools, the state governments are giving those facilities for the use of Urdu which have been approved of in principle by the Central Government."<sup>14</sup>

Reports of the Commissioner for Linguistic Minorities, though coloured, are replete with instances of the stepmotherly and unsecular attitude of the Hindi States towards the minority languages. These reports are a living testimony to the reality that the constitutional safeguards granted to the linguistic minorities are honoured more in breach than in practice.

The Provincial Educational Ministers' Conference in 1949 had opined that arrangements should be made for instruction in minority languages, provided the number of pupils was not less than 10 per class or 40 per school. It was with this objec-

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<sup>13</sup>S. Abid Hussain 'The Destiny of Indian Muslims' p. 132.

<sup>14</sup>Ibid. p. 136.



tive in view that Article 350-A was incorporated in the Constitution by the Ninth Amendment which provides : "It shall be the endeavour of every State and every local authority within the State to provide adequate facilities for instructions in the mother-tongue at the primary stage of education to children belonging to the linguistic minority groups; and the President may issue direction to any State as he considered necessary or proper for securing the provision of such facilities."

In the matter of secondary education, there is no constitutional guarantee for instruction in the mother-tongue to the linguistic minorities but the Government of India's memorandum of 1956 states: "that the Government of India as recommended by the Commission (Secondary Education Commission), proposed to lay down a clear policy in regard to the use and place of the mother tongue at the secondary stage, in consultation with the State government and to take an effective step to implement it." Certain specific decisions were taken in the ministerial committee of the Southern Zonal Council, in 1959, which laid down, "for the purpose of providing facilities for instructions in the minorities' languages where such facilities do not exist, a minimum strength of 60 pupils in new standards VIII to XI of the Higher Secondary Course and 15 pupils in each such standard will be necessary, provided that for the first four years after the commencement of provision of the facilities, a strength of 15 in each standard in which the facilities are provided will be sufficient." The conference of the Chief Ministers held in 1961 accepted the general provisions of the Government of India's memorandum of 1956 as well as the decision of the Southern Zonal Council except for the use of the minorities' languages as medium of instruction in secondary schools. Its partial dissent was to facilitate the pursuit of minority education or adoption of vocations on leaving school. The decision arrived at the meeting was : "A three-language formula has been evolved by the Government of India in consultation with the State governments, for adoption at the secondary stage of education for teaching a language subject. It was agreed that the formula should be simplified and the language steps for teaching at the secondary stage of education should be as follows :—

- (a) The regional language and the mother-tongue, when the

latter is different from the regional language;

- (b) Hindi or in Hindi speaking areas, another Indian language ; and
- (c) English or any other modern European language."

The meeting agreed, "while a State may have one or more languages for its official purpose, it must be recognised that no State is completely unilingual. It is because of this that arrangements are suggested for minority languages for education etc. An official language is meant largely for official purposes. For communication with the public, however, the objective should be that the great majority of the people should be in a position to understand what they are told. Therefore, wherever publicity is required, other languages in use in the area should be employed, even apart from official language." The conference also laid down the policy not only with regard to the education of the minority groups, but also in relation to their recruitment to the State services. Paras 12, 13 and 16 laid down the policy as follows :—

- "12 Where at least 60 per cent of the population of a district speak or use a language other than the official language of the State, this language of the minority group should be recognised as an official language in that district in addition to the State official language. Recognition for this purpose may, however, be given ordinarily only to the major languages of India specified in the Eighth Schedule of the Constitution. Exceptions may be made in regard to the hill districts of Assam and the district of Darjeeling in West Bengal, where languages other than those mentioned in the Eighth Schedule may be used.
- 13 Whenever in a district or a small area like municipality or tehsil, a linguistic minority constitutes 15 to 20 per cent of the population, it would be desirable to get important Government notices and rules published in the language of minority in addition to any other language or languages in which such documents may otherwise be published in the usual course.
- 16 In recruitment to State Services under the State Government, language should not be a bar. Therefore, besides the official language of the State, option should



be given for using English or Hindi as the medium of examination. A test of proficiency in the State official language should be held after selection and before the end of probation.”

We have to compute the degree of implementation of these decisions in the different States. Seven reports of the Linguistic Commission were issued in the wake of the conference of the Chief Ministers in 1961. The assessment would have to be based on the Seventh Report published on April 30, 1965, the Eleventh relating to the period July 1968 to June 1969 and the Twelfth from July 1969 to June 1970. Though these reports dealt with the implementation of the Language Formula in all the States, the discussion will, however, be limited to the States of the Hindi belt, mainly, Madhya Pradesh, Uttar Pradesh, Bihar, Rajasthan and Haryana. A study of the implementation of the language formula in these States would clarify the approach of the Administrations concerned to the problem.

The Commission for Linguistic Minorities admitted in its first report, covering the period 1957 to 1958, that facilities for instruction in the mother tongue were not available on the plea of lack of demands from parents, but “linguistic minorities complained that even in the areas where they are concentrated, the constitutional rights were denied to their children for one reason or another.” The Commission differed with the alibi of States regarding paucity of demands from parents. It suggested that “a register should be maintained in each school and the parents or guardians should apply 3 to 6 months in advance of school session indicating the minority language to which they desire their wards to be educated. These names should be entered in the Registers to enable educational authorities to make adequate arrangement in advance. The Commission, however, added that the advance registration of linguistic minority pupils in all schools would be of little advantage unless simultaneous provisions are made by educational authorities that maximum benefit is made available to the linguistic minority pupils in a particular locality or area.”

Now we shall deal with the reports of the Commission of Linguistic Minorities as relevant to the States of the Hindi belt.

## BIHAR

The Reports complained of non-receipt of information pertaining to the opening of registers for advance registration of linguistic minorities and inter-school adjustment regarding primary education. The Twelfth Report states: "the State Government have not agreed to issue orders to continue facilities for instructions in minority languages as existed on 1.11.56 without diminution."

The Eleventh Report averred that the Government of Bihar did not agree to the acceptance of minority language as the medium of instruction even if it was spoken by one third of total number of the students of secondary schools. The Twelfth Report complained of absence of any information in spite of repeated requests regarding "the progress to introduce minority language as medium of instructions at the secondary stage in all secondary schools made in implementation of affording facilities," and "the State Government has not agreed to issue orders regarding non-diminution of facilities for instructions in minority languages at the secondary stage." The earlier Reports recorded refusal of the State Government to furnish statistical data to enable disquisition about the facilities provided to the minority languages at the primary and secondary stages. The Twelfth Report, however, admitted receipt of such data for 1964-67 and affirmed that "the figures were, however, found incomplete and the date of primary and secondary schools were mixed up."

The Twelfth Report also regretted that the State had prescribed knowledge of Hindi as pre-requisite for entry to the State service contrary to the principle accepted at the Chief Ministers Conference held in 1961. This Report also stated that complaints were made regarding withdrawl of facilities from 1971 by Magadh University for answering question papers in Bengali and Urdu. Subsequently to this, other universities of Bihar have switched over to Hindi as the sole medium of examination. This has put the minority language groups at disadvantage.

The report also recorded instances of lack of facilities for instructions in Urdu, Urdu-speaking students seeking admission in Hindi secondary schools, refusal of State government to issue instructions for providing facilities for minority languages



as existed in November 1956, the Government's failure to appoint Urdu teachers and grant facilities for establishing separate training institutions for secondary school teachers belonging to different linguistic groups. The Commission received large number of complaints about non-sanction of grants-in-aid by the State and the Municipalities to several Urdu teaching schools, changing of Urdu medium to Hindi in 34 primary schools and discontinuance of supervisory staff from Urdu schools from 1948.

### MADHYA PRADESH

Reports of the Commissioner of Linguistic Minorities mentioned an increase in the number of Urdu speaking students but decline in the number of their schools. The Seventh Report complained of merger of 36 Urdu medium schools with Hindi schools in Bhopal alone, change of the medium of instructions in three schools in Shahjahanpur, and decline in the number of the Urdu medium schools in Dewas, Bastar, and other places. This report also recorded that Madhya Pradesh Government declined to lay down the minimum strength of pupils for instructions in minority languages at the secondary stage of education. And stated that save English, Hindi, Urdu and Marhatti, the other mediums of instructions were neither recognised nor entitled to grants-in-aid. Punjabi had been excluded despite substantial number of Punjabi students in the State.

The Twelfth Report records that "the statistical data (primary education) about educational facilities in minority languages are yet to be received from the State Government for the year 1969-70." It complains that "the State Government is yet to issue orders for imparting education (secondary education) through minority languages at the secondary stage of education according to the All India decision on the subject."

The Eleventh Report highlighted several cases of discriminatory treatment to Urdu relating to closure of Urdu schools, appointments of Hindi knowing teachers in Urdu schools, replacement of Urdu teachers in Hindi primary schools, non-recognition of Urdu primary schools and general complaint that "despite sizeable number of Urdu speakers in several places, there is no Urdu secondary school." Although there is a substantial population of Punjabis, mainly Sikhs, in Madhya

Pradesh, the Reports make no mention of any grant of facility for the education of Punjabi students in their mother-tongue. The Seventh Report, however, mentions the appointment of one teacher for 218 Punjabi students.

#### RAJASTHAN

The Twelfth Report records, "that actual implementation in the opening of the register for advance registration of linguistic minority pupils are yet to be received from the State Government." Mirroring the statistical data of educational facilities provided for minority languages for the period 1962 to 1969 this report states that there was one school only imparting instruction in Punjabi in 1967-68, and that too did not exist in 1968-69. The number of Urdu primary schools stood decreased from 39 to 33, the teachers from 177 to 125 and the pupils from 5,547 to 5,483. The report complained that the State Government resiled from its responsibility to impart instruction in Gujarati, Punjabi, Urdu and Sindhi from 1966. One of the earlier reports complained that the State Government was opposed to imparting instruction in secondary schools to minority pupils through their mother-tongue. The ambit of the Three Language Formula had been broadened by the inclusion of Sanskrit and it was ordained that besides Hindi, English, and Sanskrit, no other language could be studied without the specific permission of the State Government.

The Eleventh Report recorded many complaints of discriminatory treatment to minority languages—compulsion on pupils who had their instructions at the primary stage through Urdu, to learn Hindi in class III, question papers being set in Hindi for Urdu medium pupils, non-posting of Urdu teachers in government schools, etc., etc.

#### UTTAR PRADESH

The Twelfth Report records that "complete statistical data of educational facilities in minority languages at the primary stage of education have not been received up-to-date." The data for 1968-69 received from the State Government mentioned the existence of three Punjabi medium schools as in the earlier year. But strangely enough, the number of pupils decreased from 1939 to 867, and the teachers from 5 to 4. Further the



number of Urdu schools was shown to have declined from 2268 to 2061, sections from 263 to 260, pupils from 2,44,527 to 2,30,577 and teachers from 5,752 to 5,000. This report further states that "the Uttar Pradesh Government has not agreed to maintain register for advance registration for linguistic minority groups at the secondary stage of education. Without such statistics it is hardly possible to make an objective assessment about the demands for imparting instructions in minority languages." The report also complains that in secondary schools in 49 districts, the number of Urdu pupils have declined from 39,984 to 39,862. The last report records that the State Government was disinclined to withdraw the imposition of a compulsory paper in Hindi for recruitment to the public services in consonance with the decision of the Chief Ministers' Conference.

The Eleventh Report had spelled out several complaints regarding non-recognition of Urdu schools, refusal of grants-in-aid in several cases, absence of facilities for education through Urdu in several districts and diversion of funds to other schools in Hindi. The reports make no mention of grant or any facilities for Punjabi except that there were 133 Punjabi pupils and one teacher in 1963-64 as against 208 with two teachers in 1961-62.

#### HARYANA

The Twelfth Report of the Commissioner for the Linguistic Minorities pertaining to primary and secondary education, recorded : "According to Haryana government, Haryana is a unilingual State and it has not, therefore, accepted the All India agreed scheme of safeguards for the linguistic minorities that in the primary and secondary stage of education, facilities for instruction would be made available provided a stipulated strength of pupils are available." The Haryana Government is not reconciled to the suggestion of the Commissioner to provide instruction in Punjabi in Government, Municipal and local body schools, even when they hold a sizeable number of such pupils on the rolls and in the area where no private Punjabi medium schools exist. Facilities for instruction through the Punjabi medium should be provided in Government schools to relieve the hardship of Punjabi speaking pupils. It felt that the State Government should recognise and accord grants-in-aid to

new private Punjabi-medium schools. The Haryana Government should give cognisance to this suggestion which would also be commensurate with the Government of India's policies.

The Report avers that the statistical data furnished by the State Government recorded 85 primary schools imparting education in Punjabi with 2,401 pupils in 1967-68, which dropped down to 13 schools with 1,341 students in 1968-69. Similarly, it reported eight such secondary schools with 7,268 pupils in 1967-68 which fell down to three schools with 688 pupils in 1968-69.

The State Government maintained that knowledge of Hindi was a *sine qua non* for recruitment to State services. This was in contravention of the recommendations of the Chief Ministers' Conference of 1961. The most ironic and communal aspect of the educational policy of the Haryana Government is that whereas the State has nearly 20 per cent of Sikh population and majority of the State is Punjabi-speaking, yet the State has prescribed Tamil and not Punjabi in the three-Language Formula, besides English and Hindi. This is an excess of Hindi chauvinism.

The Commissioner for Linguistic Minorities in the reports above emphasised the reluctance of the States in the Hindi belt to implement the decision of the Central Government pertaining to primary or secondary education of linguistic minority groups, implementation of the three-language formula and recruitment to State services. Assessing the implementation of safeguards, the Commissioner for linguistic minorities in his Twelfth and last Report states :

"517. In the States of Assam, Haryana, Jammu and Kashmir, Madhya Pradesh, Orissa, Punjab and the Union territories of Chandigarh, Himachal Pradesh, Manipur, the Laccadive Minicoy and Amindivi Islands, North East Frontier Agency and Tripura, the facilities provided for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups are not in accordance with the provisions of Article 350-A of the Constitution.

"522. At the secondary stage of education, the States of Jammu and Kashmir, Madhya Pradesh, Nagaland, Punjab and Uttar Pradesh as also all the Union Territories except Pondicherry, and Dadra and Nagar Haweli have not accepted the



15 : 60 formula. In Himachal Pradesh, the 15 : 60 formula has been accepted for Punjabi only.”

“530. Contrary to the principle accepted at the all-India level, the States of Bihar, Haryana, Orissa, Punjab and Uttar Pradesh, and Union Territories of Delhi and Himachal Pradesh continue to insist upon knowledge of the State official language as a pre-requisite for entry into State Services. In the States of Maharashtra and West Bengal and the Union Territory of Manipur, knowledge of the regional language is made compulsory for certain categories of posts.”

The last report was published on the 21st anniversary of the ‘secular’ Constitution of India. The observations of the Commissioner for Linguistic Minorities are significant :—

“...Amongst many factors making for national unity, the successful implementation of the statutory and other safeguards agreed to at an All-India level to protect the interest of the linguistic minorities is of the greatest importance. It should also be the aim that the progress in implementation of the safeguards in different parts of the country in uniform and consistent. As stated in the preceding chapters “the facilities available for linguistic minorities in different States and Union territories are not uniform. This is because the safeguards for linguistic minorities enshrined in the Constitution or other agreed principles have not been fully accepted by all the States and Union territories; and even where they have been accepted, their implementation is only partial in some cases.” The Commissioner added : “since there has been some significant developments after the Chief Ministers’ Conference (1961) such as the introduction of regional languages as medium of instructions at the university level and the changeover to the regional language in administration, it would seem that a further review at an all-India level is due in the context of the conditions prevailing today.”

The key test of secularism is the confidence reposed in the administration by the minorities in matters pertaining to security of life and property and self-respect, non-discrimination in employment in Governmental and commercial sectors and due consideration by the majority community of their cultural and religious sentiments. The Sikhs are in majority in the truncated Punjab. This community which fans out as a microscopic

minority in other States is sufficiently dynamic and virile to be self-reliant. A section of the majority community considers the streak of Hinduism running through Sikhism as cultural affinities. This has been the main factor preventing complete rupture between them. The Sikhs as a national minority have, however, been discriminated against in all walks of life. Their demand for a linguistic State for Punjab was resisted for 16 years despite it being in consonance with the linguistic policy of the Congress. It was conceded only after tremendous sacrifices and sufferings for the cause. Then it was distorted when purely Punjabi-speaking areas were given to the neighbouring States on the basis of the fraud of the 1961 census. All efforts were made not to allow its viability economically. The water and power resources were also detached and taken over by the Centre.

The Sikhs' security in pockets where they are lesser in numbers has not been impaired to the extent other minorities have suffered. But the bitterest complaint has been the supersession of Sikh army officers, especially at the higher levels during the last two decades. They have not received their due rights in proportion to their sacrifices during the four Wars of 1947-48, 1962, 1965 and 1971. The supersession of senior and deserving Sikh Officers from attaining the important post of the Chief of the Army Staff has had a touch of irony. More recently, Air Vice-Marshal Shivdev Singh, the senior-most Air Force officer and deserving candidate was elbowed out into the obscurity of retirement to make place for his junior Air Vice-Marshal Mehra to assume the mantle of Air Chief. In this connection the Shiromani Gurdwara Prabandhak Committee, the highest statutory body of the Sikhs, in its Executive Committee meeting expressed "its grave concern over the appointment of Mr. O. P. Mehra as the the Air Chief Marshal in supersession of the Air Chief Marshal Sardar Shivdev Singh the senior-most officer, having excellently accredited operational experience in all three Commands, a receipient of various distinctions, including the P.V.S.M. awarded by the President of India in recognition of his meritorious services in playing a most significant role during the Wars of 1965 and 1971."

It complained that the action of the Central Government "is not incidental, but the outcome of a deep-rooted conspiracy,



hatched by communal-minded constituents in the machinery concerned against Sikh officers in the forces, who true to the loyal martial traditions are always out to lay down their lives at the alter of their motherland.”

“The Sikhs felt extremely sore and highly perturbed when the Government ignored the claims of Lt. General Kulwant Singh and Lt. General Harbux Singh and later that of Lt. General Jagjit Singh Aurora, the universally acclaimed hero of the Bangladesh operational activities.”

“The ‘rights and interests’ guaranteed to the minorities by the Constitution and the assurances given time and again by the Late Prime Minister Jawaharlal Nehru and the present Prime Minister that the same shall be fully safeguarded are being infringed and the just claims of the Sikh marshals in the Army in both its wings, ‘Land and Air’, who are all imbued with a high sense of patriotism and sacrifice for the country are being trampled upon mercilessly.”

The SGPC Executive Committee appealed to the Government of India “to give a generous consideration and to redress this most unreasonable and grave injustice done to Marshal Shivdev Singh in particular and other Sikh officers in the Army in general.”

Besides these blatant supersessions, it is rumoured that there is a move at the top political hierarchy for the last eight years to gradually oust the Sikhs from the armed forces and make the Army a preserve of the Hindus. This is being ingeniously effected by replacing senior Sikh officers by Hindus, converting class units in the Army into mixed ones with a melange of all classes with the sole purpose of weeding out Sikhs and by ignoring the time honoured military valour and lustre of the Sikhs, and deliberately according undue favours to the Hindus through the senior Hindu officers who have had no roots in the armed forces, and also through the Hindu-dominated Press. Since the last five years there has been no senior Sikh Principal Staff Officer at the Army Headquarters and it is alleged that clean shaven Sikhs are given preference to the Sikhs who still adhere to the tenets of the Khalsa faith. It is also reported that the percentage of Sikh cadets at the National Defence Academy, Khadakvasla is dwindling, and that the predominant Hindu staff at the National Defence Academy are eventually encouraging trimming of beards by Sikh cadets.

The gravamen of the Sikhs is that they are being denied due representation in the Central Secretariat at New Delhi, in the Central services such as Posts and Telegraphs and Railways, and in the public sector establishments. The doors of the banks and private sector mercantile houses are almost wholly barred to the Sikhs. It is surprising that even in Punjab including Chandigarh, where the Sikh population predominates, they are almost non-existent in Banks, Railways, Posts and Telegraphs offices and Commercial houses which are all dominated by the Hindu community.

The Sikh leadership joins the Muslim minority in claiming an investigation by an impartial Commission into all the above reports.

The Sikhs, feel that Punjab is being accorded Cinderella like treatment by the Centre. The Congress Government has totally failed to implement the Three-Language Formula and to impart education during the primary and secondary stages in Punjabi. Whereas other States have become unilingual Punjab, for communal reasons, is being slowly converted into a bilingual State again.

It is indeed pathetic to see unbridled discrimination being vented against this brave community which has rendered yeoman service to the armed forces during the Wars.

The Muslims, like Sikhs, who constitute the largest minority have suffered worst of the hardships as an aftermath of the partition of the sub-continent. They are viewed as second class citizens. The Hindus generally do not trust them. They are looked down upon and suspected. Their security is always in jeopardy in the event of Indo-Pak conflicts. Writing about the plight of the Muslim minority in the country, Dr. Moin Shakir, observes : "The suddenness of the change has rendered them psychologically unprepared to confront it. All the privileges of the community were snatched away. Reservations in the services were abolished. Adult franchise and common electorates replaced separate and limited electorates. The zamindari system was done away with. The net result of these changes was unemployment and starvation. Even the upper strata of the community was badly affected. In some States recruitment of the Muslims in the police was stopped under ministerial orders on the plea that they were over-represented in the past.



The evacuee property law was used to deprive the Muslims of their property on a wide scale. Whatever the provisions of the law, anyone could be described as an intending evacuee and the entire property of his family taken over by the custodian. There was a concerted attempt to compel the Muslims to leave this country. Girish Mathur goes to the extent of saying that this was an undeclared official policy to drive them out of the land.”<sup>15</sup>

Describing the economic condition of the Muslim minority Dr. Abid Husain, writes : “As far as commerce and industry are concerned, the abrogation of the evacuee property laws has made things easier for Muslim traders, businessmen and industrialists. But in the course of the last 16 or 17 years they have lagged so far behind that they need great courage as well as a little encouragement to catch up with others. They are generally of the opinion that success in commerce and industry had always depended to some extent on the patronage of the Government. But, under the new economic policy this dependence has become absolute and the position is that, in Government departments, Muslim businessmen meet with indifference at the higher levels and with prejudice at the lower levels. It has to be investigated how far this feeling is merely due to the general depression and frustration which has beset the minds of the Muslims and how far it conforms with facts. But there can be no doubt that there is a widespread sense of grievance among Muslim businessmen.”<sup>16</sup>

India cannot be described as a secular State if the complaints made by the Muslim leadership from time to time are genuine. Since they have not been negated by the authorities in the saddle, they have to be accorded due credence. The country has been riot-ridden particularly in areas comprising the Hindi belt, details of which have been given in Chapter II of this book which deals with the varieties of nationalisms in the country and conflicts among them. The Muslims complain that the pre-partition communal riots, where mobs of rival communities clashed, differ from the present day riots which are : “(i) Mobs of the one community go on an unhindered rapine, and invariably

<sup>15</sup>Moin Shakir ‘Muslims in Free India’ p. 3.

<sup>16</sup>S. Abid Husain ‘The Destiny of Indian Muslims’ p. 135.

unwary, innocent individuals are picked up for killing; (ii) the conflict is not on superiority or inferiority of religion but because one community is considered suspect in terms of patriotism; (iii) the bulk of the majority community is somehow made to believe that if they had not taken aggressive action they would have been the victims of aggression by the minority community.”<sup>17</sup>

“The Muslims sincerely believe that the administration fails to protect their lives and property at the time of communal riots because of the unreliability of the police force in parts of the country as guardians of law and order, and the inability and in some cases unwillingness, of the administration to bring to heel known preachers of communal hate.”<sup>18</sup>

The general complaint during the Rourkela riots in 1964 was that the extremist Hindu elements were given a free hand by the administration to propagate communal venom. Such complaints were duly publicised, as that a mosque was demolished at Aligarh during the riots of 1966 with the connivance of the local administration. During the Sehore riots, “even for 24 hours of incidents, the police authorities had not been able to arrest anyone in connection with murders, criminal assaults and dacoities. They appeared to be waiting, literally speaking, for culprits...It is no more a secret that during the imposition of curfew, the police allowed, advertently or inadvertently, the anti-social elements to aggravate the situation, while Muslims were prevented even from going near the mosque to say prayers.”<sup>19</sup>

Similar had been the complaints of Muslim leaders regarding riots at Ranchi, Ramnagar, Allahabad, Ahmedabad and other places during the recent years. The Tribune of Chandigarh, in one of its editorials in November, 1969 had this to say about Ahmedabad riots : “The tragedy of the situation is heightened by the false interpretation of secularism. The majority community uses the concept as a right to force its culture on the minorities and fails to display broad mindedness expected

<sup>17</sup>A paper submitted to the seminar on Regionalism and National Integration, University of Rajasthan, Jaipur, D. R. Goel; ‘Communal Riots and Communal Tension’, January 1970, p. 6 Quotation from Moin Shakir’s ‘Muslims in Free India’.

<sup>18</sup>A. G. Noorani ‘Anatomy of Disturbance’ Radiant May 5, 1968 p. 5.

<sup>19</sup>Radiant, December 18, 1966.



of it. India proclaims itself to be secular democracy with much fanfare, but the periodic outbursts of communalism in various regions having tarnished the image of secularism, just as the recent unprincipled selfish deeds of Congress politicians have falsified the democratic set-up."

The role of the administration in different States of the Hindi belt area with regard to prevention and suppression of communal riots has not been above board. The Patriot of Delhi on May 5, 1970, wrote that if improvement is sought in this regard, the first move should be "to purge the administrative apparatus, particularly the police of the RSS, Shiv Sena and the like elements who have been over the years permitted to infiltrate and thus paralyse the law and order machinery every time the minority communities have been under organised hooligan attack."

There is a general complaint amongst the Muslims that school textbooks are replete with instances where history is distorted, the Hindu religion is unduly applauded and Islam is incorrectly depicted. Opinion is gathering strength amongst the minorities that the system of joint electorates has not worked satisfactorily, and should be replaced by the system of representation in proportion to population. The gravamen of the Muslims is that they are not being accorded representation in Government services in the States in proportion to their population. In 1964 Maulana Masood Ahmad, General Secretary of the Jamiat-ul-Ulema, advocated separate electorates for the Muslims. M. N. Anwar, member of the Rajya Sabha stated: "Under the present system of joint electorates the Hindu society has no opportunity to get to know the real mind of the Muslim community because most of the Muslims whom they have adopted in this secular State have naturally got to be considered as show-boys of the majority community."

The National Integration Council was set up in 1961 by Prime Minister Nehru in the wake of recrudescence of communal violence with the objective to strengthen, "the foundation of our national life in common citizenship, unity in diversity, freedom of religion, secularism, equality, justice, social, economic and political and fraternity amongst all communities," and undertaking to propagate, project and bring about the atmosphere of goodwill "(a) by discouraging communal illwill, and

regional animosities and weaning the misguided elements of society from the path of violence; (b) by active and energetic propagation of the principles especially of tolerance and harmony for which this nation stands; (c) by mobilising constructive forces of society in the cause of national unity and solidarity and giving them leadership and encouragement; and (d) by devising suitable community activities and programmes for fostering fellow-feeling, emphasising the privileges of common citizenship and, in general, the quality of national life." But it remained an ineffective official body. Jayaprakash Narayan declined to attend its meeting at Srinagar in 1968 writing to the Prime Minister that the "present composition of the Council, which is made up mostly of ministers and parliamentarians is likely to give an impression that the talks of national integration is one that is largely, if not wholly, to be accomplished by the State. This, as you know, is far from being the case. Indeed, more has to be done at the peoples' level than by the State." Mohammed Ismail, the then President of the Muslim League, pointed out, "even the set-up of the new Integration Council follows the Government's old and infructuous lines. Certain important sections of public opinion, who are widely interested in the matter are left out of the Council....."<sup>20</sup> He held that the Council had not contributed towards checking communal violence. The touch of irony is that there is no representation of the minority communities in the Integration Council.

This brings into focus the reality of the Muslim opinion to the unfair treatment accorded to them by the authorities concerned. The Aligarh Muslim University is the case in point where Muslims were able to assess the character of the administration of the country. The Aligarh Muslim University was founded in 1875 as a school by Sir Syed Ahmed Khan. It was transformed in 1877 into the Mohamedan Anglo-Oriental College which gradually burgeoned into a full-fledged university. This centre of learning was the focal point of Islamic culture. Before the Partition of the country, it was managed exclusively by Muslims, and it therefore, acquired its Muslim 'minority character.' The change, however, came in 1951 when Maulana Abul

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<sup>20</sup>Mohd. Ismail: Radiance, June 23, 1968 p. 16.



Kalam Azad, who was Education Minister, made certain amendments to the Aligarh Muslim University Act of 1920. The main features of these amendments were that religious instruction was to be given only to those who wished to receive it; membership of the Court was thrown open to all persons irrespective of religion or caste; the President of India was made visitor of the University, the Governor of Uttar Pradesh was made its Chief Rector with the provision for the appointment of other persons as Rectors and the Visiting Board was abolished. These changes, though important, did not, however, erode its 'minority character' and no fundamental change in the basic principles of study of the Islamic culture and theology was affected.

But Aligarh Muslim University became the target of attack by Hindu communal organisations on the ground that it served as a nursery of the leaders of the Muslim League prior to Partition. The Government of India became the principal financer of the University by the Amendment Act of 1951. Apprehending the University as becoming the hotbed of Muslim communalism, the Central Government rushed through the Aligarh Muslim University Act of 1972 without referring it to a select committee or eliciting public opinion. This confirmed the suspicion of the Muslims that the Government was aspiring to erase the Muslim 'minority character' of the University. Earlier the Supreme Court in a writ petition challenging the provisions of the Aligarh Muslim University Amendment Acts of 1951 and 1965 on the plea that "all minorities whether based on religion or language, shall have the right to establish and administer educational institutions of their choice", had arrived at the finding that there had been no violation of any fundamental rights by the Amending Acts as Aligarh Muslim University was established in 1920 by Central legislation, and was neither established nor maintained by the Muslim minority. A high-powered committee, the Baig Committee, was subsequently appointed by the Union Minister, Fakhruddin Ali Ahmed, to examine the implications of the Supreme Courts' view. It was composed of eminent public men including two Ministers, Humayun Kabir and Ali Zahir, Abdul Rahman Sherwani, and two former judges, Bashir Ahmed Sayed and Khalil Ahmed Siddiqui. In 1968, it reported, "Notwithstanding any judgment.....to the contrary, the University should be

- deemed to have been established by the Muslim minority of India.....and shall be so administered.....as in articles 29 and 30 of the Constitution.....” The finding should have been a measure of the intensity of Muslim feelings to retain the minority character of Aligarh University.

The Act of 1972, which nominally retains the name Aligarh Muslim University lays down its objective, inter alia, as : “to promote oriental and Islamic studies and give instructions in Muslim theology, and religion and to impart moral and physical training.” This was amended by the additions “to promote the study of the religion, civilisation and culture of India.” This coupled with the power vested by the new Act in the Education Minister to nominate the Visitor, Vice-Chancellor and members of the Management, would erase the Muslim character of the University. The Muslims see no justification in the plea that the Act will also be applied to Benaras Hindu University. They assert that the Central Government which is Hindu-dominated will favour the majority community and disfavour the minorities. The Muslims of India recall the saying of the late President, Dr. Zakir Hussain : “What Aligarh thinks, what Aligarh offers towards services in various walks of life, that will determine the place of Aligarh in the life of the Indian Nation. And how India treats Aligarh, to a large extent would decide the form which our national life is to take in future.”

The Muslims feel that the attempt of the Government of India to obliterate the Islamic character of the university is an indication of unsecular trends in its policies. The Enactment, therefore, led to communal warfare in many towns of Uttar Pradesh, resulting in 27 deaths, innumerable injured and serious loss to property. The Muslims claim that since the University has functioned as an autonomous unit for two decades, the thesis of the Government to exercise a more rigid control over it, as it doles out 90 per cent of its finances, is not tenable.

The trend of thinking, particularly in the Central Hindi belt States, is hostile to the concept of secularism. The growth of the Jana Sangh party, which sprouted from the Hindu Mahasabha and the Rashtriya Swayam Sevak Sangh, two militant Hindu organisations, born of the Hindu Muslim conflict in the first three decades of the present century, threatens secular prospects. Communalism and revivalism are the basic creeds of



these organisations. The conflict between Westernisation and Sanskritisation which struck at the roots of Bharatiya Sanskriti, prompted Lala Hardyal, a prominent Hindu revivalist and revolutionary, on his return to India after 15 years of sojourn in the United States to declare, "that the future of the Hindu race or Hindustan and of Punjab rests on these four pillars : (i) Hindu Sangathan ; (ii) Hindu Raj ; (iii) Shuddhi of Muslims ; (iv) Conquest and Shuddhi of Afganistan and the Frontier. So long as the Hindu nation does not accomplish these four things, the safety of our children and great grandchildren will be ever in danger and the safety of the Hindu race will be impossible. The Hindu race has but one history and its institutions are homogeneous."<sup>21</sup> Vir Savarkar, father of the Hindu Mahasabha and seven times its president, said at the session of his party at Ajmer in 1943 : "Hindustan is the land of Hindus alone, and Muslims and Christians and other nations living in India are only our guests. They can live here as long as they want to remain as guests."<sup>22</sup> The Mahasabha expressed its view about Urdu, thus : "Urdu is a foreign language which is a living monument of our slavery. It must be eradicated from the pages of existence. Urdu is the language of Malechas which has done greater harm to our national ends by attaining popularity in India."

The Hindu-Muslim conflict had also given birth to another movement known as the Rashtriya Swayam Sevak Sangh, initiated by Dr. Hedgwear in 1925, at Nagpur. He said : "It became clear that Hindus were a nation in Bharat and Hindututva was Rashtratva. Only Hindus could free Hindustan and save Hindu culture. Hindu youths had to be organised on the basis of Hindu culture and absolute love of their motherland." The growth of this organisation was slow in the beginning but it spread out later to Maharashtra, Uttar Pradesh, Delhi, Bihar and other regions, and in 1950 it claimed its membership to be 40,000. Guru Golwalkar, who assumed the mantle of leadership in 1940, gave impetus to the movement. It, however, received a setback with the assassination of Gandhiji in 1948

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<sup>21</sup>Inder Parkash 'A View of the History and Work of Hindu Mahasabha and Hindu Sangthan Movement' p. 49.

<sup>22</sup>Rajput 'Nehru on Communalism' p. 54.

when it was declared an unlawful body. Guru Golwalkar, together with its prominent workers, were put into detention. The ban was subsequently lifted on the intervention of Sardar Patel when this organisation framed its constitution in 1949 with the objectives : “(a) to eradicate fissiparous tendencies arising from diversities of sects, faiths, linguistic and provincial differences amongs Hindus ;.....(b) to inculcate in them a spirit of service, sacrifice and selfless devotion to the Hindu Samaj as a whole and to weld together the diverse groups within the Hindus and to revitalise and rejuvenate them on the basis of Dharma and Sanskriti, so that it may achieve an all-sided development of the Bharatvarsha.” The Rashtriya Swayam Sevak Sangh continued to assume a powerful communal hue after lifting of the ban when Golwalkar speaking at Agra on November 27, 1951, said : “The Congress cut the country into two. The communists would cut it into ten. The sole aim of the Rashtriya Swayam Sevak Sangh is to generate forces for consolidation of the country from Kashmir to Kanya Kumari.....Muslims are lying low in wait for the trouble. It is yet too early to base our politics on the assumption of their loyalty.....I have the greatest regard for Jesus Christ. He was a great man, but Bharati Christians will have to mend their ways. Their subsidised attempts to impose their creed on poor Hindus is repugnant.”<sup>23</sup> The General Secretary, Bhaveji Dani, reiterated the stand of the Sangh : “Hindus alone are loyal citizens of Bharat, as it is they who inherit everything in this land from times immemorial with their nationality, language, history and religion inseparably bound up with the soil.”<sup>24</sup> The Rashtriya Swayam Sevak Sangh has continued to stick to its guns of revivalism and of the setting up of a Hindu Rashtra. This approach is bound to shatter the pillars of secularism in the country.

The Rashtriya Swayam Sevak Sangh, which claims to be immune from politics, is devoted purely to Hindu revivalism, but young activists in the organisation have their own ideas for constituting a new political party. Shyama Prasad Mukherjee, once President of the Hindu Mahasabha, was taken into the Union Cabinet by Prime Minister Nehru, continued in his

<sup>23</sup>Organiser, December 3, 1951.

<sup>24</sup>Organiser, October 20, 1962.



post even after the assassination of Gandhiji and the banning of the Hindu Sabha and Rashtriya Swayam Sevak Sangh. He, however, resigned in April 1950 on the issue of the Liaquat Nehru pact wherein the Governments of Pakistan and India declared that they had no extra-territorial claims on the minorities in either country. Mukherjee then gave out that he had given a pledge at the time of partition to the East Pakistan Hindus that ".....If their (Hindus) honour and lives were jeopardised or attacked, free India would not remain an idle spectator and that their just cause would be boldly taken up by the Government and people of India." He was compelled to resign, as he could not maintain the sanctity of the pledge in the wake of the pact. On his resignation, his search for a party resulted in the founding of the Jana Sangh. He had originally formed a Peoples Party in May 1950 with an eight-point programme, amongst which the following were significant : "(i) United Bharat (ii) Reciprocity instead of appeasement towards East Pakistan.....(iii) Development of a single Bharatiya culture.

As a result of the Rashtriya Swayam Sevak Sangh workers, Balraj Madhok, Balraj Bhalla, and Sharma forming a Bhartiya Jana Sangh at Jullundur for Punjab, Pepsu, Himachal Pradesh and Delhi in July 1951. Mukherjee, Bhalla and Madhok convened a joint meeting of both groups in September, 1951, wherein a draft manifesto was drawn up and delegates of both organisations were invited on October 21, 1951 to a convention at Delhi under the presidentship of Mukherjee. It was at this meet that the All-India Jana Sangh was formed, and it decided to contest the general elections of 1952. The manifesto outlined the objectives of the Bharatiya Jana Sangh as "rebuilding of Bharat on the basis of Bharatiya Sanskriti and Maryada as a political, social and economic democracy granting equality of opportunity and liberty to individuals, so as to make her a prosperous, powerful and united nation, progressive, modern and enlightened and able to withstand the aggressive designs of others and to pull her weight in the councils of nations for the establishment of world peace." The banner of the party was : "One country, one nation, one culture." The Jana Sangh's concept was that a "theocratic State is foreign to Bharat." Secularism "is euphemism for the policy of Muslim appeasement." The Jana Sangh's view point was that "men and women of vari-

ous faiths, speaking different languages and residing in different parts of the country will live in an atmosphere of unity, freedom and goodwill." On Pakistan, the manifesto said, "so long as Pakistan remains a separate entity, the party will stand for a strict policy of reciprocity and not one of appeasement.....In view of the fact that the Pakistan Government has failed to accord reasonable security of life and property and honourable existence to the minorities who never wanted partition, this party deems it to be the sacred duty of Bharat to secure to them, through all means open to her, a civilised living with equality and honour." Regarding Muslims in the country, Madhok wrote in the 'Organiser', the mouthpiece of the party, in its issue of December 15, 1951 : ".....It is a fact that a majority of Bharatiya Muslims have not yet learnt to own this land and its culture and treat them as their first love. The only way to check these tendencies is to educate the Bharatiya Muslims and to disabuse their minds of the Islamic exclusiveness which was exploited by the British and the Muslim League for their selfish ends.....That is the only way that can make Muslims part and parcel of the Bharatiya nation."

It was in pursuit of this ideology that the Jana Sangh entered the arena of the General Elections in 1952. It was able to secure 3.06 per cent of votes at the Centre, with three seats in the Lok Sabha, 5.66 per cent votes in Madhya Pradesh with six seats, 6.21 per cent votes in Haryana with two seats, 6.34 per cent votes in Uttar Pradesh with two seats and 6.34 per cent votes in Rajasthan with 11 seats in the Vidhan Sabha. This being the party's debut, the results were not in any way discreditable, and it appeared that the ideology had attracted the minds of the Hindu voters. Soon after, this organisation announced its support to the Praja Parishad of Jammu and Kashmir, a body which had objected to the special status with a separate Constitution to Jammu and Kashmir. This had given rise to the slogan : "Ek Desh men do Vidhan, Ek Desh men do Nishan, Ek Desh men do Pardhan, Nahin challenge (In one country, two constitutions, two flags, two prime ministers, will not be tolerated)."

As a follow-up, Shyama Prasad Mukherjee decided to attend the Praja Parishad Conference at which steps were to be taken for launching a satyagraha. In spite of the ban on his entry



into the State by the Government he travelled to Jammu and was arrested on May 11, 1953 while crossing the river Ravi at Madhopur. He was put under house arrest. Subsequently taken ill, he died of a heart attack on June 23, 1953. His death led to the suspension of the satyagraha. The movement, however, had a serious impact on the Muslims of Jammu and Kashmir, and their leader Sheikh Abdullah said : "Though the Parishad agitation has ceased the conflict of ideals and interests created by it remains. The demand for the merger of the State with India is still there and so long as this crisis exists, the sword will hang over the basic relations between India and Kashmir." It was as an aftermath of the agitation that the majority of the Muslims in Jammu and Kashmir viewed with suspicion the accession of their State to India.

The Jana Sangh also opposed the Punjabi Suba demand of the Sikhs on the ground that "...the formation of linguistic provinces is facilitated by united demand for them. When only a section of Punjabis demand a Punjabi speaking province, that section must seek and secure the support of other sections of Punjabis before it presses its point..." The Jana Sangh conveniently forgot that the disowning of their mother tongue, Punjabi by a large section of Hindus was the handiwork of both the Arya Samajists and their own workers.

The General Elections in 1957 were fought by the Jana Sangh on the same lines as those laid down in its manifesto for the 1952 elections. The following clarification was made by Madhok, "The Jana Sangh aims at democracy, nationalism, unitary form of Government and full integration of Jammu and Kashmir with the rest of India...Along with safeguards for democracy, the Jana Sangh aims at strengthening the forces of nationalism and unity to be a checkmate to the separate forces from within and forces of aggression from without." Another interpretation by the Jana Sangh of national unity was, "...nationalising all non-Hindus by inculcating in them the idea of Bharatiya culture." The Jana Sangh announced its support for the implementation of the recommendations of the Niyogi Committee in Madhya Pradesh and of its counterpart the Raga Committee in Madhya Bharat. Its findings were to 'free Bharatiya Christians' from the anti-national influence of foreign missions. The Niyogi Committee, officially known as the 'Christian Missions Activities Enquiry

Committee' in Madhya Pradesh, was appointed in 1954. Reference to it has already been made in this book. After two years' study, this Committee recommended that steps should be taken against the Christian missionary work. The Jana Sangh also announced its bitter opposition to the demand of the Akali Dal for a Punjabi Suba, to the D.M.K. stand on Centre-State relations, and to Nagaland's claim for self-determination. It dubbed these movements as anti-national. The Jana Sangh secured better results in the general elections in 1957. It acquired four seats against three held previously in the Lok Sabha, enhancing its percentage of votes from 3.06 per cent to 5.93 per cent. It fared better in the States of the Hindi belt procuring 10 seats against six in Madhya Pradesh with 9.88 per cent votes instead of 5.66 per cent held previously. In Uttar Pradesh it secured 17 seats against two in 1952 and increased its voting percentage from 6.44 per cent to 9.77 per cent. In Rajasthan its seats declined from eleven to six, the percentage of votes decreasing from 6.34 per cent to 5.42 per cent. In Haryana it secured four seats against three increasing its polling percentage from 6.21 per cent to 12.2. The mere fact that the Jana Sangh secured two Lok Sabha seats and 17 Assembly seats in Uttar Pradesh, the biggest Hindi speaking State was an indication of its growing strength in the Hindi belt. Commenting on this, the working committee of the Jana Sangh said, "the Committee feels that the Jana Sangh in spite of odds against it has registered a definite advance both in the percentage of votes polled and seats won... The Committee feels deeply concerned over the important part played by the...Muslim communalism." The post-election period witnessed communal riots, notably in Raipur and Jabalpur in Madhya Pradesh. The Muslim Convention held in Delhi in the wake of these riots was addressed by leading Congressmen and Muslim divines who charged the Jana Sangh with complicity in these riots.

The General Election of 1962 found the Jana Sangh further clarifying its stand on the issue of national unity when Din Dayal Upadhyaya, the then Party President said : "The talk of one nation and one culture may seem to some 'woolly-headed' nonsense. But it is a fact nevertheless. Those who have borrowed all their ideas and theories from the West may find it difficult to understand and appreciate the inherent unity of our nation.



The facts of our culture, tradition, customs, history, philosophy, art and literature are so abounding and powerful that none but the obstinately blind can refuse to recognise the existence of a single indivisible nation." The Jana Sangh reaped a rich harvest during the 1962 elections. It secured 14 seats in the Lok Sabha, increasing its polling percentage from 4.93 to 6.44. It gained more ground in the Hindi belt, where it secured 41 seats with 16.66 per cent votes in Madhya Pradesh, 99 seats with 16.46 per cent in Uttar Pradesh, 15 seats with 9.15 per cent in Rajasthan and four seats with 13.46 per cent in Haryana. In Uttar Pradesh, it bagged seven Lok Sabha and 99 Assembly seats. The Jan Sangh fared well in the Delhi Corporation elections, securing 30.97% votes. As an aftermath of the 1962 elections, the Jana Sangh emerged stronger, playing the role of the main Opposition Party in both Uttar Pradesh and Madhya Pradesh and acquiring a more effective voice in the Lok Sabha. The communal forces raised their head on the creation of the Punjabi Suba in 1966. Yagya Datt Sharma, Punjab branch General Secretary of Jana Sangh undertook a fast unto death against Punjabi Suba. The Jana Sangh workers demonstrated against its formation for over a week in different towns of Punjab, leading to riots in Ambala, Jullundur, Amritsar and Ludhiana. At Delhi, Hindu shopkeepers observed hartal for three days, leading to serious damage to Sikh property.

The fourth general election of 1967 threw up the Jana Sangh as a powerful force with a cogent and coherent policy and programme, and backed by heavy financial resources. It did not, however, make any impact on the four Southern and two Northern non-Hindi States, the latter being Punjab and Jammu and Kashmir. It did, however, exercise influence amongst the communal section of the Hindus. But its growing strength in the Hindi areas was an eloquent testimony of the predilection of the people towards communalism. The manifesto of the party for the 1967 elections read : "The cow is our national point of honour. Cow-slaughter will be legally banned." The Jana Sangh entered into an omnibus electoral alliance with the Swatantra party in Rajasthan, and for a few seats in Gujarat. The results of the 1967 General Election were, indeed, startling. The Jana Sangh secured 35 seats in the Lok Sabha with an over-all percentage of 9.41 votes. Its main success in the Lok Sabha elec-

tion was in Uttar Pradesh, Madhya Pradesh and Delhi, where it bagged 12, 10 and 6 seats, respectively. In Madhya Pradesh Assembly it bagged 78 seats with 28.28 per cent votes, in Uttar Pradesh 98 seats with 21.67 per cent votes, in Rajasthan 22 seats with 11.69 per cent votes and in Haryana 12 seats with 14.93 per cent votes. Delhi proved to be its strong hold, where it captured 33 seats in the Metropolitan Council and 52 out of 100 in the Municipal Corporation. The party rode on the crest of the wave in the Hindi belt States of Uttar Pradesh, Madhya Pradesh, Bihar, Rajasthan and Haryana. The Jana Sangh however witnessed a major setback in the 1972 General Election.

Does the success of the Congress mean a triumph of secularism in the country? Many are sceptical of the correctness of this analysis. There is no gainsaying the fact that Mrs. Gandhi was the keystone of the Congress election campaign and the party swept the polls because of the charismatic appeal of her personality and the catching slogan of 'Garibi Hatao.' The rising prices and shortages of essential commodities have reduced Mrs. Gandhi's popular image, and weakened the base of the Congress party. The Jana Sangh was able to politically cash in on this. They helped to woo the orthodox Hindu masses in the Hindi belt. Thus, secularism in India stands on feet of clay. It is now established that the Jana Sangh is the major political rival of the ruling Congress, and if it ever comes to power, it would sound the death-knell of secularism. The resolutions passed by the Jana Sangh from time to time are an evidence. In his book, 'Indianisation, What, Why and How' Balraj Madhok, the then President of the Jana Sangh, has explicitly expounded the ideology of the party. To build a strong Indian nation he holds efforts should be made to assimilate its non-Hindu population into the Hindu fold. He cries over spilt milk because even Maharaja Ranbir Singh at the instance of the Muslims of Kashmir, failed to convert them to Hinduism. This, he feels, would have solved the Kashmir problem. He complains that the Congress has been following an appeasement policy to secure minority votes. He warns: "The emergence of Christian pressure groups in Assam Hills, Nagaland and Jharkhand party in Bihar and the emergence of the Akali Dal as a major factor in Pun-



jab politics, are more glaring examples of this phenomenon.”<sup>25</sup> Madhok wants the Muslims, suspected of extra territorial loyalty, to be Indianised. He suggests that the Muslims should abandon the notion that Islam is the only true religion, and the path to heaven is their sole preserve. He advocates that the Muslims should no longer be treated as a separate minority and their personal law should be modernised. He recommends that the Government must adopt the following measures to realise this objective :

- (i) Education should be based on Upanishadas, Bhagawat Gita, Ramayana, Mahabharata, etc.
- (ii) Birthdays of national heroes be celebrated.
- (iii) Special attention should be paid to the development on the basis of national culture and genesis.
- (iv) Sanskrit language should be revived.
- (v) Indian history should be rewritten.

The ideology of the Jana Sangh which smacks of Hindu revivalism and communalism is an ominous writing on the wall for future political development of nationalism in India.

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<sup>25</sup>Balraj Madhok 'Indianisation What, Why and How'

## CHAPTER IV

# *FEDERALISM IN INDIA : A FICTION*

Many foreign writers and historians have contested the notion of homogeneity in India, and have refused to accept the thesis that India is a composite country or a nation. With its multi-religious, multi-lingual, multi-racial and multi-cultural society diffused in different regions, it resembles a vast confederal set-up where the different units, during the course of history, have remained at times independent, semi-dependent and some times under absolute authority. That is why Sir John Seeley described India as "a mere geographical expression like Europe or Africa."<sup>1</sup> John Bright, a British parliamentarian, referred to India as a great country, "with its 20 different nations and its 20 different languages." Sir John Strachey, wrote that "the differences between the countries of Europe are undoubtedly smaller than those between the countries of India. Scotland is more like Spain than Bengal is like Punjab...It is probable that not less than 50 languages, which may rightly be called separate, are spoken in India. The diversities of religion and race are as wide in India as in Europe...There are no countries in civilised Europe in which the people differ so much as the man of Madras differs from the Sikh, and the languages of Southern India are as unintelligible in Lahore as they would be in London. A native of Calcutta is as much a foreigner in Delhi or Peshawar as an Englishman is a foreigner in Rome or Paris."

Some people might view these conclusions by a foreign writer as motivated. The assertion is that prior to the advent of the Muslims there was homogeneity of religion and culture, and therefore, India was a composite country. Sir Jadunath Sarkar writes : "These Hindu empires.....consisted of loosely

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<sup>1</sup>Sir John Seeley 'Expansion of England' p. 92.



united collections of independent provinces.....each province led its own life, continued its old system of government (though under the agents of the Central Power) and used its local language.”<sup>2</sup> Whenever a Hindu monarch embarked on conquest, he would try to extend his domain over the entire country and even Afganistan or Gandhara was considered to be a part of India. The country was far from being one entity, administration being decentralised to its different components, each of which resembled an independent power. It was in this context that Bipin Chandra Pal, a leader of Hindu renaissance, remarked “Hindu society has been for centuries a federation of many practically autonomous communities and castes.”

With the establishment of their suzerainty in India, the Moghuls centralised the administration at Delhi with minimum powers delegated to the provincial satraps which was, in turn, distributed between the Subedar, an overall head, the Dewan, an administrative head, and the Bakshi, a financial head, each of whom had direct communication with the Central administration at Delhi. As the Muslims constituted a minority, they were compelled to maintain a rigid control from Delhi over the country with the aid of the army. With the crumbling of the great Muslim empire, regional powers under the Maratha, Sikh and other satraps raised their heads in the country, centripetalism giving way to centrifugal and fissiparous tendencies.

The East India Company made a bid to follow up the traditions of the Moghuls by retaining centralised powers in its hands. Despite this the three Presidencies of Madras, Bengal and Bombay were virtually independent units, each directly under the Board of Directors of the East India Company at London. The passing of the Regulation Act in 1773 conferred limited powers on the Governor-General in Calcutta to control the Governments of Madras and Bombay “insofar and inso-much that, it shall not be lawful” for the said Presidency Governments to declare war or make peace or negotiate any treaty without the consent of the Governor-General in Council. This situation that prevailed until the Act of 1833 ushered in a wholly centralised administration by depriving the provincial Governments of their legislative and financial independence, and by

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<sup>2</sup>Sir Jadunath Sarkar ‘Moghul Administration.’

vesting "superintendence, directions and control of the whole civil and military Government of all territories and revenues" of India in the Governor-General-in-Council. This Act too did not totally erase the independence of provinces, as will be evident from directions given to the Governor-General which were to "draw, with such discrimination and reflection, the correct line between the functions which properly belong to a local subordinate Government and those which belong to the general Government for ruling over and superintending the whole." The significance of the difference between "a just control and petty vexatious meddling interference" was also stressed upon. The East India Company, like their Moghul predecessors, had to focus attention on centralisation of authority as they also constituted a minority in the country.

The policy of decentralisation was, however, adopted with the transfer of power from the East India Company to the British Crown when the impracticability and undesirability of a centralised system of Government had become evident not only because of the vastness of the country, but also because of the manifold differences among the units pertaining to inhabitants, development and other factors. The need for a strong central authority was realised by the white intruders to maintain British dominance, but they also appreciated that the smooth functioning of the administration called for decentralisation of powers arising out of the marked diversities of the people inhabiting the various provinces. Hence soon after the transfer of power to the British Crown, the process of decentralisation in the administration was taken up. Centralisation, incompatible though it was with the genius of the country, could nevertheless work as long as the Central and Provincial Governments were alien and undiluted bureaucracies. Centralisation became complete by the Act of 1883, which ushered in a unitary form of Government by taking away from the Provincial Governments their powers of legislation and financial independence and by vesting the "superintendence, direction and control of the whole civil and military Government of all territories and revenues" in the Governor-General-in-Council (Section 39 of the Act of 1883). But despite this Act, the Governor-General was directed to ensure that a certain degree of autonomy was retained by the provinces. Public



opinion in England, nevertheless, was in favour of decentralisation which was voiced by John Bright when he declared, "what you want is to decentralise your government... You will not make a single step towards improvement of India, unless you change your whole system of Government, unless you give each presidency more independent powers than are now possessed." There were certain imperatives for decentralisation. These were, the vast size of the country, regional diversities, social fragmentation and linguistic differences. Besides, the country was geographically marked into areas of different cultures and languages which had in the past constituted independent kingdoms.

In 1853 each province provided a representative to the Governor-General's Council. It was the first recognition, as stated in the joint Report "of the principle of local representation in the Indian legislature." Yet, centralisation was the key-note of British policy during this period. The Presidencies of Madras and Bombay chafed under the domain of the Centre at Calcutta, and these units were resentful of the loss of their legislative, financial and administrative powers. There were conflicts between the Centre and the provinces despite the fact that the administration was manned by foreigners. The Mutiny of 1857 was an eye-opener, in that, "it was from the voice of the people that Government can learn whether its projects are likely to be well received. The voice of the people also can check errors in budgets and warn us of any dangers before they burst upon and destroy us." In the wake of the Mutiny, the Act of 1861 was passed, "to make better provisions...for the local Government of several presidencies and provinces of India." It still put emphasis on the need for a strong Central Government. It was, nevertheless, an important step towards development of the powers of Provincial Governments, and which later contributed towards decentralisation and laying down the foundation of the federal policy in India. This formally recognised "the extraordinary and inherent difficulties in devising a system applicable to the whole of India," and the serious anomaly in a single body at Calcutta legislating for the provinces "without acquaintance with the local wants and necessities." It was then that Samuel Laing, a member of the Governor-General's Council, observed : "I hold it extremely desirable to avoid undue

centralisation, to encourage local self-Government, and to break up a system which, in its attempt to enforce a barren uniformity throughout an empire comprising elements as distinct as those of the different nations of Europe, stifles all local action and destroys all local responsibility.”<sup>3</sup> It was for this reason that the Act of 1861 restored the legislative powers of the presidencies of Madras and Bombay, provided for the establishment of Provincial Legislative Councils, and authorised the Governor-General-in-Council to make additional appointments to the respective Executive Councils. This Act also authorised the Provincial Legislative Council to make laws “for the peace and good Government” of the territories under them. Although the Central Legislative Council held sway over the entire field of legislation, yet provision was made laying down the subjects wherein the central legislature had sole jurisdiction. The purpose of this enactment, no doubt, was to meet local aspirations by decentralisation of the administration.

The Indian National Congress had started voicing the opinion of Indians, and in its session of 1892 it had demanded “Reforms and expansion of the supreme and existing provincial legislatures for the admission of considerable portions of elected members.” It further demanded that all budgets should be referred to these Councils for consideration and that their members should be empowered to advise the executive in matters pertaining to the administration. The Viceroy, Lord Dufferin, had recommended in 1888 that “both with safety and advantage, we can give full play to the legitimate and praiseworthy ambitions of the loyal, patriotic and educated classes of India, who are desirous of taking a larger share than hitherto in the transactions of the public business of their respective provinces.”

Although the Act of 1892 had not really affected decentralisation, it did enlarge the size of both the Central and Provincial Legislatures and empowered its members to discuss the budget without the right to vote. The important aspect of this enactment was that the Provincial Legislatures were empowered, subject to the previous sanction of the Governor-General, to repeal

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<sup>3</sup>‘A Selection of Papers’ relating to the Constitution and Functions of the Indian Legislative Councils, Calcutta, 1886’ p. 58.



or amend any Law applicable to the area under its control. Centralisation of control was, however, made more stringent in financial matters. Financial grants were allocated by the Centre to the provinces, resulting in "the distribution of public revenue degenerated into something like a scramble in which the most violent has the advantage with very little attention to reasons." This resulted in financial irresponsibility of the units. It was only in 1877 that a measure of financial control was delegated to the provinces with regard to land revenue, stamps, law and justice and general administration. It resulted in a little over 20 per cent of the total revenues falling within the sphere of provinces. It gave the provincial Governments a greater sense of responsibility, and provided a stimulant for the development of areas under their jurisdiction.

The system was further widened in 1882, when monetary receipts from the civil administration and public works were diverted to the provinces, whilst certain heads like customs, salt, currency, Post and Telegraphs and Railways were made Central. Other sources of revenue such as excise, income-tax, forest, stamps, registration and irrigation were divided between the Centre and the provinces. There was, however, a lacuna in the system in that the Central Government resumed control of the financial balance standing to the credit of the provincial Governments at the end of every five years. This Encouraged the provincial Governments to expend the total amounts allotted to them. It was for this reason that permanent grants were made from 1904 to the provinces to enable them to exercise greater control over their resources. The further decentralisation of financial powers did not, however, abrogate "the constitutional responsibility imposed upon the Central Government of exercising a general executive supervision over the proceedings of the local Government in the collection of revenues and the administration of the services entrusted to their quasi-independent care." The provincial Governments had to conform strictly to the rules, regulations and procedures laid down by the Government of India and every provincial levy required the sanction of the Centre. There was, however, no indication at the time of a grant of provincial autonomy or federal constitution to the country. The limited decentralisation in administrative, legislative and financial matters was brought

about to streamline the system. It nevertheless improved the status of the provinces and enlarged the area of their powers and responsibilities. These reforms blazed the trail for a federal type of future Government by clear-cut demarcation of the heads of revenue into 'Central', 'Provincial' and 'Divided'. The political leaders of the day had already demanded abolition of the 'Divided' head, and a clear demarcation of Central and Provincial revenues. Gokhale stated in his evidence before the Royal Commission on Indian expenditure (1895 to 1900) that such demarcation before Central and Provincial (and not divided), would be "in line with the federal system of finances in other countries, i.e., Germany, Canada and the United States of America."

In 1871 Lord Mayo, a Viceroy of liberal views, transferred the police, jails, medical, registration, education, roads and buildings departments to the provincial Governments. He also assigned fixed grants to the provinces in addition to the receipts already accruing to them from departments under them. The provincial Governments were further permitted to make their own appropriations in respect of the services put under them, but with the overall statutory control of the Centre. This was done in the belief that "it will enable the rulers of the country gradually to institute in various parts of the empire something in the shape of local-self Government and will eventually lead to associating more and more of the natives of the country in the conduct of public affairs."<sup>4</sup> The decentralisation of powers proved a success, and it was further extended in 1877, when services like land revenue, stamps, law and justice, and general administration were also entrusted to the provincial Governments with powers to raise revenues from law and justice, excise and licence and income tax. It was further provided for, that increases or decreases in yields under these heads, taken from the time of assignment, would be shared between, the Centre and the Provinces. At the same time, the fixed grants were abolished, and certain other revenue heads were allotted to the provinces. The provinces were also allotted variegated moities from Central heads like customs, salt, currency, posts and telegraphs, railways etc. The agreement was

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<sup>4</sup>P. Bannerjee 'Provincial Finances in India' p. 62.



subject to quinquennial review with the proviso that left-over credit in favour of the provinces would lapse to the Centre. This encouraged the provinces to expend the left-over balances. The anomaly was removed in 1904 when the provincial Governments were accorded greater powers over financial resources. This settlement was made quasi permanent in 1904 and permanent in 1912. Despite these measures, the overall control still rested with the Centre, and every provincial levy required its sanction. The arrangement had no statutory backing. It was merely informal, resting on convention. With constitutional supremacy with the Centre, it was not difficult for Lord Curzon to revert to complete centralisation by appointing experts like the Director-General of Indian Services, Director-General of Criminal Investigation, Director-General of Education, Sanitary Commissioner and Heads of Departments to control minute details of administration in the provinces. His successor, Lord Minto, realised the futility of centralisation, and reverted to decentralisation with the need for a "further extension of the representative principles in the administration." A Royal Commission for Decentralisation was appointed to "report on the advisability of a large degree of decentralisation in the administration of British India" with the directive "to consider relations now existing for financial and administrative purposes between the Central Government and the Provincial Governments and the authorities subordinate to them; and to report whether by means of centralisation or otherwise, these relations can be simplified and improved and a system of Government can be better adopted to meet the requirements and promote the welfare of different provinces, and (without impairing its strength and unity) to bring the executive power into closer touch with local conditions."

This commission did not recommend any radical change, but laid emphasis on the following factors in favour of decentralisation :

- (i) The difficulties of administering a vast sub-continent from a single headquarters, and the inevitable failure in statesmanship and efficiency which must result from a Central Government attempting this task.
- (ii) The fact that the various provinces contain diverse nationalities with different languages, traditions and

interests, and are often on separate plans of development.

- (iii) The desirability of creating a larger sense of responsibility in provincial and local authorities.
- (iv) The importance of strengthening the administration and educating the people by attracting the latter more largely in public affairs."

The over-all recommendations of the Commission were that, "future policy should be directed to steadily enlarge the sphere of details in administration entrusted to the Provincial Governments and the authorities subordinate to the Government and of recognising that they must definitely dispose of increasing share of the ordinary work of the Government," were subject to the observations that "in India, the Provincial Governments are and should remain subject to the general control of the Government of India in all respects, and their functions and powers should be varied by the Central Government or by the Secretary of State as circumstances require." The resultant Minto-Monley Reforms of 1919 did not, however, meet the demands of Indian public opinion, but certainly enlarged the scope of criticism of the Provincial Governments. Although the Centre remained unitary, the powers of the provinces were in practice enlarged. The enlargement of the Legislative Councils attendant on these reforms enhanced the number of elected members thus increasing the scope for criticism and deliberation. It was, however, recognised in the despatch of the Viceroy in 1911 that, "the only possible solution of the difficulties would be gradually to give the provinces a large measure of self-government, until at last India would consist of a number of administrations, autonomous in all provincial affairs, with the Government of India above them all, and possessing the powers to interfere in case of misgovernment but ordinarily restricting their functions to imperial concern."

More important was the growing political consciousness of the people as a result of the religious-cum-political revival in different sections of society with emphasis on demand for representative governments in the provinces and increased representation at the Centre. It was in this context that Gokhale, the spokesman of Indian aspirations, emphasised the need for provincial autonomy in his political testament, wherein he wrote:



“The grant of provincial autonomy foreshadowed in the Delhi despatch would be a fitting concession to make to the people of India at the close of the War. This will involve the two-fold operation of freeing the Provincial Governments, on the one side of the greater part of the control which is at present exercised over them by the Government of India and the Secretary of State in connection with the internal administration of the country, and substitution, on the other hand, in place of the control so removed, the control of the representatives of the tax payers through the provincial legislative councils.”

Provincial autonomy was the corner-stone of the Congress-League pact of 1916. The notion of provincial autonomy believed that the grant of responsible Government in the Provinces would enable them to flourish, especially due to marked variations in cultures and languages between the various parts of the country. It was in this context that Bipin Chandra Pal declared in 1916 that “the growth of provincial autonomy will inevitably develop national autonomy; which will be bound to seek and find expression in a truly federal Government for all India.”<sup>5</sup>

The British Government made a momentous declaration in 1919 laying down the policy of “increasing the association of Indians in every branch of administration and the gradual development of self governing institutions with a view to the progressive realisation of responsible Government in India as an integral part of the British empire.” It laid down the germs of federalism in the constitutional development of the country. The British sincerely wanted to decentralise authority, but this was hastened by the urge of the people for grant of self-governing provinces. Nineteen members of the Indian Legislative Council had submitted a memorandum in 1916 to the Secretary of State for India, demanding “not only a good Government or efficient administration but Government that is acceptable to the people because it was responsible to them.” The Joint Select Committee, in its Report in 1919 refused to accept the principle of federation by declaring that “India is not yet ripe for a truly federal system.” The Montford Reforms of 1919 gave impetus to the process of devolution and decentralisation of powers which had been developing over the preceding

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<sup>5</sup>B.C. Pal ‘Nation and Empire’ p. 110.

decades in the shape of administrative and financial arrangements. The Montford Report which backed a certain measure of provincial autonomy declared : "The domain in which the earlier steps towards the progressive realisation of the responsive Government should be taken," and therefore, "this involves at once giving the provinces the largest measure of independence—legislative, administrative and financial of the Government of India which is compatible with the due discharge by the later of its own responsibility." It was the Functions Committee that drew up the devolution rules which were given a statutory shape, under which a long list of subjects were declared to be provincial.

Provincial autonomy was experimented with in relation to these subjects and the Centre's interference was debarred. It was in furtherance of the Joint Select Committees, recommendations that the control exercised by the Governor-General-in-Council over transferred subjects was restricted within certain limits :

- "1. To safeguard the administration of Central subjects;
2. To decide questions arising between two provinces in cases where the provinces concerned fail to arrive at an agreement; and
3. To safeguard the due exercise and performance of any powers and duties possessed by, or imposed on the Governor-General-in-Council under, or in connection with, or for the purposes of the following provisions of the Act, namely, Section 29-A, Section 30 (1-A) part VII-A or of any rules made by, or with the sanction of the Secretary of State in council."

The other aspect of decentralisation related to finances. The Montford Reforms virtually separated Central and Provincial resources of revenue by eliminating divided heads. Land revenue, excise, irrigation, stamps etc., were taken over by the provinces which also acquired statutory powers to levy taxes listed in Schedule I without having to obtain the previous sanction of the Governor-General. The Provincial Governments were to authorise local and municipal boards to levy taxes under Schedule II and also acquired authority to raise loans on the security of their revenues.

The Government of India Act of 1919 was the first major step which enabled the provinces to shed the control of the



Central Government and acquire legislative, administrative, and financial powers, thus achieving a degree of independence in the provincial sphere. It was, in fact, the mental climate in the country which contributed to the introduction of federal ingredients in the constitutional development. This mental climate had been created by public men of eminence working in different sectors of society as was evidenced from the statement of A.K. Fazul Haq before the Reforms Inquiry Committee in 1925 that "Indian public opinion, as voiced by many of its influential and responsible exponents, is for the immediate grant of entirely autonomous and responsible Governments in the provinces and introduction of considerable measures of responsibility in the Central Government." The Reforms Inquiry Committee, therefore, observed, "generally speaking, most of the Indian witnesses before us have attacked the present Constitution as having been found after trial to be unworkable, and have advocated the immediate grant of provincial autonomy to the provinces, and introduction of a measure of responsibility to the legislature in the Central Government." The introduction of the federal element was also conducive to the growth of different sections of society in the different provinces in their own way. It was in this political climate that the Indian National Congress resolved in 1920 on the demarcation of the provinces on a linguistic basis. And it was thereafter that the demand arose amongst the Muslims for the separation of Sind from Bombay Presidency, because it was a Muslim majority area with a separate language of its own. The federal issue came very much to the forefront during the political discussions at all levels and stages culminating in the partition of the country.

The period of Indian history between the Government of India Acts of 1919 and 1935 was crucial as far as the peoples' impact on the constitutional development of the country was concerned. There were four major factors which played a dominant role in this respect. These were : Firstly, birth of Muslim political consciousness arising from religious revivalism since the time of Sir Syed Ahmad Khan; secondly, the posture of the Indian National Congress led by a Hindu-dominated majority that aspired for some sort of unitary Government; thirdly, the role of the feudal States which wanted to retain a measure of independence ; and fourthly, the linguistic sentiments of the

different sections of people. The gradual democratisation of the administration and the introduction of dyarchy with partially responsible Government in the provinces engendered apprehension in the minds of the Muslim leadership that the overwhelming Hindu majority would oust it from political power. They wanted effective protection of their interests both at the Centre as well as in the provinces. The Lucknow Pact between the Muslim League and the Congress had lost its lustre when it stated that, whereas the Muslims in the provinces, where they were in minority were given a substantial weightage, they were reduced to parity in Bengal and to a minority in the Punjab. The Muslims realised that in the remaining provinces, despite weightage accorded to them, the Hindus still retained a dominant majority. It was in this context that the Muslim League in 1925 urged for the appointment of a Royal Commission to examine their demands and make provisions for protection of their rights on the following lines :

- “(i) Adequate and effective representation of minorities in every province without reducing the majority in any province to a minority or even to equality ;
- (ii) .....territorial redistribution that might at any time be necessary should not affect the Muslim majority in Punjab, Bengal, and North West Frontier Province.”

Simultaneously, demand was also made for creation of a separate province of Sind with grant of administrative parity to the North-West Frontier Province and Baluchistan. These demands were indicative of the Muslim leadership's complete resilience from the Lucknow Pact. Their new demands for grant of Muslim majority rule in Bengal and Punjab, constitutional parity in North-West Frontier Province and Baluchistan, and separation of Sind postulated the creation of five Muslim majority provinces, vis-a-vis, the Hindu majority provinces. Even Maulana Abdul Kalam Azad, a prominent Muslim leader of the Indian National Congress and an avowed nationalist, was reported to have said that “by the Lucknow Pact they (Muslims) had sold away their interest.....their existing small majority in Bengal and the Punjab was only a census figure, but the Delhi proposal gave them, for the first time, five provinces of which no less than three.....contained a real overwhelming majority. If the Muslims did not realise this great step they are not fit for



it. There would now be nine Hindu provinces against the five Muslim provinces, and whatever treatment Hindus accorded to the Muslims in the nine provinces, Muslims would accord the same treatment to the Hindus in the five provinces. Was not this a great gain ? Was not a new weapon gained for the assertion of Muslim rights ?<sup>6</sup>”

These demands mirrored Muslim aspirations which demanded constitutional guarantees for their preservation of the religious, social and cultural entity. This would evidently cut them off from the national mainstream. A letter written by Aga Khan, then a luminary in the Muslim world, to Sir Fazal-i-Hussain, an important Muslim leader in Punjab, throws a flood of light on the aspirations of the Muslims. The Aga Khan wrote : “What should be the future policy of the Muslims of India. We are in India a minority.....and for all time we have the Hindu majority by our side. This position would indeed have been an extremely difficult one if the Muslims were 25 per cent all over the country and the Hindus everywhere in a majority. But, as things are, fortunately it is not so bad, for in some parts, however small, we are in a positive majority; in a frontier province touching independent States and another touching the sea. Again, in Bengal, which is a frontier maritime province, we have a majority.....These being the circumstances, what are we to do ? To this, there is only one answer : That we should take advantage of our position in the North and in Bengal.....First, in all-India affairs we should be out and out federalists, using all our influence so that our provinces get at least as much autonomy as the great Indian princes will enjoy under the federation. Secondly, gradually, by changing the character of the army, transform a professional force to a territorial one and having for each province the kind of advantage that Bavaria had in the old German empire (which great princes will have in the new Indian federation), by using all our strength for the legitimate end, make India what she really is, a United States of Southern Asia rather than something on the model of present day Italy or Germany.”

It was in the aftermath of the Nehru Committee Report in 1928 that the two wings of the Muslim League coalesced on the

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<sup>6</sup>Indian Annual Register, 1927 (ii) at p. 449.

basis of 14 point which later became the charter of Muslim claims. Some of these were :

- “1. The form of the future Constitution shall be federal, with residuary powers vested in the provinces.
2. A uniform measure of autonomy shall be granted to all provinces.
3. No change shall be made in the Constitution by Central legislature except with the concurrence of the States constituting the Indian federation.”

The Simon Commission also viewed that a loose federal structure could be the only solution of the constitutional tangle. “It is only in a federal structure that sufficient elasticity can be obtained for the unity of elements of diverse internal Constitution and of communities at very different stages of development and culture,” it added.

The Indian National Congress had always stood for a strong and unitary Centre, though at times it tried to humour Muslim opinion that sought a loose federation. It convened an All-Parties Conference, comprising representatives of over 70 Indian political parties, communal bodies, labour, commercial and other organisations. The symposium resulted in the Nehru Committee which was entrusted with the drawing up of a Constitution for India. This Committee endorsed the Muslim demand for a separate province of Sind and grant of full provincial status to the North-West Frontier Province and Baluchistan. It, however, turned down the Muslim plea for communal electorates and majority status in Punjab and Bengal. The Committee, however, refrained from expressing itself in favour of federalism, but followed the Government of India Act of 1919 by vesting the residuary powers in the Centre, and defining the Centre-cum-Provinces relationship in the following words :

“We have borne in mind the peculiar position of India and have provided for the development of the fullest possible provincial life compatible with national interests.. The limits we have provided for provincial activities and functions are very wide and, within these limits, provincial Governments will be masters of their houses, free from the control of the Central Government. It is obvious, however, that there is a very large field of State activity which, in any system of stable administra-



tion, must be covered exclusively by the Central Government, which alone can safeguard national interests and reconcile conflicting claims between province and province." These recommendations provided for a unitary form of Government and rejected the Muslim demand for reservation of their seats in the Punjab and Bengal legislatures in proportion to their population. It made the Muslims reject the Nehru Committee Report and formulate their own demands, as stated above. It was in 1930 that Sir Mohammad Iqbal in his presidential address at the Allahabad session of the All-Indian Muslim League, said: "To my mind, a unitary form of Government is simply unthinkable in a self-governing India. What is called 'residuary power' must be left entirely to self-governing States, the Central federal State exercising only those powers which are expressly vested in it by the free consent of the federal States. I would never advise the Muslims of India to agree to a system, whether of British or Indian origin, which virtually negatives the principle of true federation, or fails to recognise them as a distinct political entity."

As stated earlier, the Indian National Congress had accepted the principle of the division of the country on a linguistic basis at its Nagpur session in 1920. It had even indirectly lent support to the notion of linguistic provinces in 1905 when it had opposed the partition of Bengal and protested against the injustice done to the Oriyas by merging their area with the truncated West Bengal. The principle of linguistic provinces was also accepted in the Nehru Committee Report when it had laid down that "if a province had to educate itself and do its daily work through the medium of its own language, it must be necessarily a linguistic area.....Hence it becomes more desirable for the provinces to be reorganised on linguistic basis. Language as a rule corresponds with a special variety of culture, of tradition and literature." The issue of linguistic provinces had arisen as far back as 1918 when B.N. Sharma, a member from the Andhra region of Madras Presidency, had moved a resolution in its favour in the Legislative Assembly. The post-partition period saw the fulfilment of national aspiration by the formation of linguistic States. These facts have also led to the demand for instituting a change in the Centre-States relations in the Constitution.

In the country, with the rise of political consciousness, there was an urge on the part of the provinces to seek maximum power at the expense of the Centre. It was against this backdrop that the Simon Commission recommended a federal form of government embracing the provinces of British India and the princely States. The cry for a greater share in the administration in the wake of the massive Civil Disobedience Movement of 1930 enabled the British to accept the inevitability of responsible government. The white intruders ingeniously bolstered the federal scheme, which was a fig-leaf to maintain their powers through feudal princely States, which expected to play second fiddle to progressive forces in the provinces. The federal issue thus became the most live issue in the First Round Table Conference. The obscurantist role of the princely States was voiced by the Nehru Committee Report, thus : "It would be, in our opinion, a most one-sided arrangement if the Indian States desire to join the Federation so as to influence by their votes and otherwise, the policy and legislation of the Indian legislature without submitting themselves to common legislation passed by it. It would be a travesty of federal ideas." The Committee felt that though it welcomed the States' decision to join the Federation and "do all that lies in our power to secure to them the full enjoyment of their rights and privileges, it would necessitate, perhaps in varying degree, a modification of government and administration prevalent within their territories." The British rulers during the First Round Table Conference, however, toyed with the Federal notion. Sir Shafaat Ahmed Khan observed, "It is now generally admitted that unless and until the princes come into the Federation, it will be difficult to have responsible government at the Centre." Sir Tej Bahadur Sapru, a liberal leader appealed to the princes to join an All-India Federation. "Let them move forward with the vision of an India which will be one single whole, each part of which may be autonomous and may enjoy absolute independence within its borders, regulated by proper relations with the rest."

The response was instantaneous, the Maharaja of Bikaner, declaring, "I am convinced that we can best make our contribution through a federal system of government....." He, however, warned that the princely States would not accept a unitary form of government. Other rulers concurred with the



Maharaja of Bikaner. The Maharaja of Kashmir stated : "To my mind there is today no alternative to federation." This acceptance of the principle of federation by the Indian States was subject to the question whether, if a federal government is devised in India, the princes and the States will enter into association with it. "The final answer must obviously depend on the structure of the federal government indicated and on other points involved such as certain necessary safeguards, constitutional and fiscal, for the preservation of their States and subjects."

The First Round Table Conference surfaced certain salient features of the federal system :—

1. All-India Federation of Provinces and Indian States.
2. Bicameral Central Legislature.
3. Responsible Executive.
4. Provincial Autonomy.
5. Special Powers of the Governor-General.

The Indian National Congress and the Muslim leadership, whether represented by the Muslim League or otherwise, had their own concept and interpretation of the federal idea. The Indian National Congress was committed to :

- "1 (a) The article in the Constitution relating to fundamental rights shall include a guarantee to the communities concerned of protection of their culture, language scripts, education, profession and practice of religion and religious endowments;
- (b) Personal laws shall be protected by specific provisions to be embodied in the Constitution;
- (c) Protection of political and other rights of minority communities in the various provinces shall be the concern and be within the jurisdiction of the federal government.
2. Franchise shall be extended to all adult men and women.
3. (a) Joint electorates shall form the basis of representation in the future Constitution of India;
- (b) For the Hindus in Sind, the Muslims in Assam and Sikhs in Punjab and the North-West Frontier Province and for Hindus and Muslims in any province where they are less than 25 per cent of the population, seats shall be reserved in the federal and provin-

cial legislatures on the basis of population, with the right to contest additional seats.

4. In the formation of federal and provincial cabinets, the interests of minority communities shall be recognised by convention. North-West Frontier Province and Baluchistan shall have the same form of government and administration as the other provinces.
5. Sind shall be constituted into a separate province provided the people of Sind are prepared to bear the financial burden of the separated province.
6. The future Constitution shall be federal. The residuary powers shall vest in the federating units unless on further examination it is found to be against the best interests of India."

The Muslim delegates to the Round Table Conference consented to the federal character of the Constitution, the creation of Sindh as a separate Muslim majority province and the bringing of the North-West Frontier Province and Baluchistan at par with the other provinces; but brushed aside the notion of joint electorates which had received the backing of the depressed classes and some other minorities. The Federal Structure Committee could not make any headway, as the deliberations of the Second Round Table Conference foundered on the rock of the Minorities Rights Sub-Committee to solve the communal tangle. This led to the unilateral issue of the Communal Award by the British Prime Minister. It is, however, significant to note that the issue of linguistic provinces figured prominently during the Round Table Conferences. The Raja of Parlakimadi favoured the creation of Orissa as a separate province on the plea that it possessed a distinct language, culture and historical association. The Raja of Bobbili and V. V. Giri, later President of India, sponsored a move for a separate province of Andhra. V. V. Giri declared : "Andhras belong to a very ancient race and have a brilliant past, as any other nation in the world." The claim for separate Andhra Province stemmed from the sentiment of nationality and it was the first linguistic State to be created after the promulgation of the Constitution.

The Act of 1919 had granted certain powers to the provinces, but in practice they remained virtually under the Centre. The Act of 1935 made a clear demarcation between the powers of



the Centre and the provinces, and a Federal Court was constituted to adjudicate issues between them. The controversy arose on the question of the Centre versus provinces owing to demands from major communities. Sir Samuel Hoare, Secretary of State for India said in the British Parliament : "Opinion was very definitely divided between the Hindus who wish to keep the predominant power in the Centre and the Muslims who wish to keep the predominant power in the provinces." The British Government, with a view to maintaining a stable Centre, demarcated the powers between the Centre and the provinces with minimum subjects under the residuary head and the Governor-General having the discretion to allocate the residuary powers to anyone—federal or provincial legislature. Though the dice was loaded in favour of a unitary system of Government, the provinces had, for the first time, definite powers in some areas though subject to the intervention of the Governor-General in certain exigencies. Although the provinces had complete latitude in matters falling under their jurisdiction, the power vested in the Centre to issue directions to the provinces in certain matters was clearly repugnant to provincial autonomy.

There were certain retrograde features in the Act of 1935 relating to the entry of the feudal States in the Federation. Whereas the provinces automatically became part of the federation, the States were permitted to accede at their discretion, the choice of subjects for accession being left to the rulers. Weightage was given to the States with regard to representation in the Federal Assembly as well as in the Council of States. Another objectionable feature was that the representatives of the States in the Central Legislature were to be nominated by the rulers. These anomalies evoked protest from both the Indian National Congress and the Muslim League. Jawaharlal Nehru explained the Congress stand thus : "Utterly bad as the Act is, there is nothing so bad in it as this federation and so we must exert ourselves to the utmost to break this, and thus end the Act as a whole..... We are not against the conception of a federation. It is likely that a free India may be a federal India, though in any event there must be a great deal of unitary control, but the present federation, that is being thrust upon us is a federation in bondage and under the control politically and socially, of the

most backward elements of the country.”<sup>7</sup> The Muslim League was equally vehement : “The League is clearly of the opinion that the All-India Federal Scheme of the Central Government embodied in the Government of India Act, 1935 is fundamentally bad. It is most reactionary, retrograde, injurious and fatal to the vital interests of British India vis-a-vis the Indian States, and is calculated to thwart and delay indefinitely the realisation of India’s most cherished goal of complete responsible government and is totally unacceptable.” The League added : “The League considers that having regard to the conditions prevailing at present in the country, the provincial scheme of the Constitution be utilised for what it is worth, in spite of the objectionable features embodied therein.”<sup>8</sup>

Some writers are of the view that the rejection of the federal scheme at this stage was ultimately responsible for the partition of the country. D. N. Banerjee wrote that “the real merit of the federal scheme lies in an attempt at realising perhaps for the first time in the history of this country, the fundamental unity as a whole, inspite of its infinite variety of interest, by bringing the territories under the princes in more intimate contact with the British India for the service of the country.”<sup>9</sup> Coupland blamed all the three parties, the Indian National Congress, the Muslim League and the Princes : “It would have required no doubt a sacrifice from the Congress. It would have meant the abandonment of the unitarian policy of its demand for the immediate democratisation of the States, of its whole conception of a Congress Raj. But, if such sacrifice has been possible it might have brought India nearer to the Congress goal of freedom than by any other method.”

The Federal Scheme was liquidated when the Congress at its Tripura session in 1939 declared its “uncompromising opposition to the federal part of the Act and its determination to resist its imposition.”

The crucial political issue upto 1940 which plagued the public mind was the form of the federation which India should have after securing Independence. The Muslim League in its

<sup>7</sup>Address at Faizpur Congress Sessions, 1936.

<sup>8</sup>Indian Annual Register of 1936 Vol.V p. 135.

<sup>9</sup>K. R. Bombwal ‘Foundation of Indian Federalism’ p. 195.



resolution, at its Lucknow session in 1937, declared that "the object of the All-India Muslim League shall be the establishment in India of full independence in the form of a federation of free and democratic States in which the rights and interests of the Musalmans and other important minorities are adequately and effectively safe-guarded in the Constitution." By then the Muslim demand for the creation of Muslim majority provinces and grant of separate electorates and weightage-cum-reservation in the public services had been conceded. Various schemes pertaining to Federation had been advanced by the different political parties in the pre-partition period. Sir Sikander Hyat Khan proposed the division of the country into seven zones, each with a regional legislature. The Centre's power was restricted as it was "essential in the interest of the country as a whole and for its proper administration i.e., defence, external affairs, customs, coinage, and currency etc., and the remaining subjects at present including in the federal list shall be transferred to the units or zones." The Federal Legislature was to consist of representatives of various regional legislatures, one-third of the seats being reserved for Muslims. It was, however, conceded in the proposals that the federal executive was to be of the Cabinet type, subject to each zone having at least one representative in the Cabinet, at least one-third of the Ministers would be Muslims and at least two, if the number of Ministers did not exceed nine, and at least three, if the number was in excess of nine, shall be chosen from amongst the representatives of Indian States.

The scheme can best be assessed in the words of Dr Rajendra Prasad who in his book 'Undivided India' said that the scheme did not "provide for either political or cultural division and recognised India as one single country."<sup>10</sup> Another scheme projected by Sir Mohammad Shah Niwaz Khan as Confederacy of India, provided for the creation of five regions, namely, (i) Indus region, (ii) Hindu region, (iii) Rajasthan, (iv) Deccan State and (v) Bengal. There was to be a Central administrative body armed with federal powers worked out in mutual consent with the coalescing regions.

It was in this context that the Congress resiled from its

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<sup>10</sup>Rajendra Prasad 'Undivided India' p. 199.

original stand for a strong Centre to a confederate type of federation with a view to maintaining India as a single political entity. Dr. Rajendra Prasad, later President of India, divided the schemes into two categories, namely : (i) scheme for the creation of independent Muslim and non-Muslim States and (ii) scheme for the redistribution of provinces and states from the cultural point of view. He wrote, "the main and fundamental difference between the two sets of schemes lies in the fact that those included in the first category contemplate complete independent Muslim and non-Muslim States, each having its own arrangements for Defence, Foreign Policy, and development and definitely discarding any Central authority having even limited power; but on the other hand, the other set vests considerable autonomy in each part, contemplates a Central or Federal authority with some powers, however limited over the whole country." This Congress sponsored public-action recommended a federation for the country with limited powers to the Centre and residuary powers vested in the States.

The Congress had accepted the Cabinet Mission Plan of May 16, 1946, under which the country was to be divided into three zones 'A', 'B' and 'C'.

Zone 'A' was to consist of the Hindu majority provinces. It was to have 167 general and 20 Muslim seats making a total of 187.

Zone 'B' was to be composed of Punjab and North-West Frontier Province. It was to have 9 general, 22 Muslim and 4 Sikh seats, making a total of 35.

Zone 'C' was to constitute Bengal and Assam. It was to have 34 general and 36 Muslim seats, making a total of 70.

The maximum number of seats allotted to the States was 93. With regard to section 'B' and 'C' groups, it was provided in clause 5 of para 19 of the Plan that "these sections shall proceed to settle provincial Constitution for the provinces including each section and shall also decide whether any group constitution shall be set-up for these provinces and if so with what provincial subjects the groups should deal. Provinces shall have the power of opting out of the group with the proviso of sub-section 8 which laid down :

"As soon as the new constitutional arrangements have come



into force, it shall be open to any province to select and to come out from any group in which it had been placed. Such a decision shall be taken by the new legislature of the province after the general elections under the new Constitution.”

The All-India Congress Committee had accepted this loose form of Federation with limited powers to be vested in the Centre. The Muslim league had also accepted this arrangement on June 6, 1946. Maulana Abul Kalam Azad, then President of the Congress, wrote : “He (Lord Wavell) genuinely believed that there could be no better solution of the Indian problem than that outlined in the Cabinet Mission Plan..... Since the Cabinet Mission Plan was largely based on the scheme I had formulated in my statement of 15th April, naturally I agreed with him.”<sup>11</sup>

The acceptance of the Cabinet Mission Plan had brightened the prospects of unity with the hope that the conflicting parties might allow their antagonism to be dissolved in course of time. The Sikhs were not amenable to the Cabinet Mission Plan but their voice did not count, as their representatives were playing second fiddle to the Congress. The situation changed when Nehru became Congress President. He put his own interpretation on the plan. The Muslim League found this as excuse to reject it. Though the Congress subsequently retraced its stand the Muslim League remained firm in its repudiation of the Plan. This eventually led to the partition of the country.

Procrastination and indecision at the highest level have been the curse of the country during the Nehru era. With the transformation of Muslim India into Pakistan and demoralisation of the Muslim minority, who were virtually reduced to second class citizens in Hindu India, the Congress leadership felt encouraged to go ahead again towards the formation of a majority dominated unitary government. It was in this context that the Union Powers Committee mutated its views in the Second Report. It said, “now that partition is a settled fact, we are unanimously of the view that it would be injurious to the interest of the country to provide for a weak Central authority which would be incapable of ensuring peace and co-ordinating vital matters and common concern and of speaking effectively

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<sup>11</sup>Abul Kalam Azad ‘India Wins Freedom’ p. 173.

for the whole country in the international sphere." The same Report emphasised that the Constituent Assembly was no longer bound by the limitations imposed by the Cabinet Mission Scheme on the powers of the Centre. It added that "there are many matters in which authority must lie solely with the units and that to frame a Constitution on the basis of unitary State would be a retrograde step, both politically and administratively." The leadership conveniently forgot that the same Constituent Assembly had a short while earlier passed a Basic Objectives Resolution, stating : "The territories shall possess and retain the status of autonomous units together with residuary powers, and exercise all powers and functions of Government and administration, save and except such powers and functions as are vested in or assigned to the union or inherent or implied in the union or resulting therefrom." Many Congress leaders had, however, exposed themselves when they expressed their views on the Basic Objectives Resolution. Purshotam Das Tandon had said : "There are many of us who are against giving residuary powers to the provinces. Personally, I would oppose the grant of residuary powers to the provinces in the best interests of the country, especially in view of the conditions prevalent in the provinces owing to the Hindu Muslim problem..... The resolution, however, gives residuary powers to the provinces, so that the Muslim League may not say that we have done in their absence as we please." This reflected the trend of thinking of the Congress leadership. It was not principles and fundamentals, but expediency and opportunism which governed constitution-making. B. N. Rau's Memorandum on the Constitution of May 30, 1947 is an evidence of the same. "If it is decided to abandon the Cabinet Mission Plan.... the whole matter may have to be considered afresh. In that event, we may either have a unitary type of Constitution as before the Government of India Act, 1935, or we may have Federation with the present distribution of powers between the Centre and units." In this context K. Santhanam's comment on the draft Constitution in the Constituent Assembly discloses that : "There were a few people who would have gone in for a complete unitary Government for the whole country, but the Constituent Assembly consisted of representatives from the States, including many of the Ministers and they exercised some



moderating force. The Constituent Assembly came to the conclusion that, on the whole, it was desirable to retain the main structure of the Government of India Act, 1935, with this fundamental difference that the paramountcy of the British Crown over the States and provinces should be transferred to the Government of India."<sup>12</sup>

It was this policy of expediency and opportunism which had driven Jinnah out of the Congress and made him a staunch advocate of separatism. He had formerly stated in his presidential address at the time of the Lucknow pact in 1916 : "I have been a staunch Congressman throughout my public life, and have no love of sectarianism, but it appears to me that the reproach of separatism sometimes levelled at Mussalmans is singularly inept and wide the mark, when I see this great communal organisation (Muslim League) growing into a powerful factor for the birth of a united India." He was a changed person in 1940 as he reacted to the Congress policy of expediency and opportunism. He declared at the Lahore session of the Muslim League : "It is a dream that the Hindus and Muslims can ever evolve a common nationality—to yoke together two such nations under a single State—must lead to growing discontent and final destruction to any fabric that may be so built up for the Government of such a State."

It was in pursuance of this policy of expediency and opportunism that the Congress leadership altered the entire concept of federation not realising that the modified set-up was not in tune with the conflicting nationalistic, cultural, linguistic and religious feelings prevailing in the country. This has led to confrontation between them during the last 26 years. It was indeed pathetic that on the tragic partition, the country gave latitude to the communal elements to make the constitution unitary-cum-central rather than federal. In the context of the terminology in the Objectives Resolution to powers, "implied or inherent in the union" the Union Powers Committee put 14 subjects in the Union list. The Committee further desired the inclusion of eight other subjects including Planning in the Union list. The States were viewed in the same vein. There were two categories amongst the princess. One of them led by the Maharaja of

<sup>12</sup>K. Santhanam, 'Union State Relation in India' p. 5.

Patiala took a patriotic stand and participated in the proceedings of the Constituent Assembly, whereas the other, comprising Travancore and Hyderabad stood for complete independence. It was realised in April, 1947 that the accession of the States "to the Indian Union would not be automatic but would be by some process of ratification of the Constitution". It was to be limited to three subjects, namely, Defence, Communications and Foreign Policy. The second report of the Union Powers Committee plumed for a unitary form of Government for the provinces, but took a different stance regarding the States when it said : "The States which have joined the Constituent Assembly have done on the basis of May 16 statement. Some of them have expressed themselves as willing to concede wider power than contemplated in that statement. But we consider it necessary to point out that application to the States in general of the federal list of subject, in so far as it goes beyond the May 16 statement should be with their consent. It follows from this that in their case residuary powers should vest with them unless they consent to their vesting in the Centre." This shift in the Congress thinking was vindicated in the Constituent Assembly.

The change of attitude on the part of the Congress leadership took place with Independence and the departure of the British, the main prop of the Princely Order. Gopalaswamy Ayyanger stated in the Constituent Assembly on August 20, 1947, that "the accredited constitutional advisers in Indian States have generally recognised and I think the representatives of the people of the States have recognised the wisdom of agreeing, if possible through a wider range of subjects to be assigned to the Centre than the subjects which would come within the four corners of Defence, External Affairs and Communications." The integration of the States after their accession brought parity between them and the Provinces. The Princes had no option but to accede to the demands of the Congress Government.

The discussion on the draft Constitution disclosed the divergence of views between the members of the majority and minority groups. The minority caucus comprised the religious and linguistic groups. The former was led by Mohammad Ismail, President of the Muslim League, and the latter by K. Hanumanthaiya. Besides, there were some other leaders holding liberal views who felt that the Constitution should be federal in struc-



ture. The debate gave an inkling of the trend of thinking of the Founding Fathers. The tilt in the recommendations of the second report of the Union Powers Committee in favour of a unitary form of Government was aptly covered by K. Santhanam in the Constituent Assembly. "It is a great pity that our politics have been subject to violent oscillations during the past six months, with the result that the minds of our leaders also have to go from one extreme to the other. In the Cabinet Mission Plan the idea was that the units should be absolutely autonomous and even sovereign and that they should surrender a small modicum of power to the Centre. Of course, there was the complications of group Constitution, and the whole thing was left vague, but so far as the Central Government is concerned, it was to have very limited powers. And some of the leaders were put on a committee to define those powers to their maximum. I doubt, if the Cabinet Mission Scheme had come into operation, whether that stretching would have stood any real scrutiny, but the position was suddenly altered by the June 3 plan and the resulting Independence Act. Now the position is we have got almost a unitary Centre which is trying to hand over certain powers to the provinces and the whole plan of the Union Powers Committee is based on that procedure. They have tried to take the Government of India Act as their basis and considered what item can be transferred from the Provincial List to the Concurrent List. I am of the opinion that they have made a wrong approach to the problem. I too am anxious to have a strong Government for the country but my conception of the strength of the Centre is different from that embodied in the Union Power Committee Report. I do not want that the Central Government should be made responsible for everything. The initial responsibility for the well being of the people of the provinces should rest with the Provincial Government. It is only in strictly All-India matters that the Central Government should have responsibility and should come into play. Therefore the strength of the Centre consists not only in adequate power in All-India subjects but freedom from responsibility for those subjects which are not germane to All-India, but which really should be in the provincial field."<sup>13</sup>

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<sup>13</sup>Constituent Assembly Debates Vol. V part III p. 56.

The representatives of the minorities were of the definite opinion that the structure should be federal in shape, with maximum powers accorded to the units. However, some Muslim members were perturbed at the attitude of the majority community but did not expose their views blatantly. Sir Ramaswami Mudalier admitted : "No one objects to a strong Centre.....If in spite of that there have been voices raised regarding provincial autonomy.....it is only because there is another aspect of the question which has to be appreciated by this August Assembly."<sup>14</sup> Maulana Hasrat Mohani, a prominent nationalist Muslim member from the United Provinces, commenting on the draft Constitution said : "I would go a step further and say that what is happening here today would only result in altering the very basis of the Constitution. At first I thought that the Constitution was being framed in accordance with the Objectives Resolution and it would be on the pattern of a federal republic and socialistic republic. But they have already done away with socialism ; now they seem to be attempting to create a unitary Indian Empire after merging all the States into it like the old British unitary Indian Empire. Besides that, I do not see any other object. Further on, you will realise that it is not only I who hold this opinion that it is no more a republican, socialistic or federal in character. It would become a purely Indian Empire in which the provinces will have no power. This is my opinion. That is why I am totally opposed to it."<sup>15</sup> Another minority member, Nazir Ahmad, was equally candid when he said : "I think that this matter should be pointed out and though I know that my opposition will have no effect in this House, still I deem it necessary to voice my protest. If the provinces are to be robbed one by one of their powers, political, financial and others, it would be better for us to say here and now that provincial autonomy must go and there must be a unitary government. I would rather welcome the attempt of Mr. Brajeshwar Parshad to scrap provincial autonomy at once. The effect of the present arrangement, as we are changing from day-to-day is to cut provincial autonomy altogether. I can well understand that the provincial

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<sup>14</sup>Ibid Vol. V part IV p. 80-81.

<sup>15</sup>Constituent Assembly Debates Vol. IX part 24 p. 882.



“Autonomy should be abolished at once. This is a thing which I can understand. Rather than reducing the provinces to a state of unimportance—a state resembling the District Board and Municipalities, I think it would be far better to abolish the provinces altogether.....I merely say that instead of doing it bit by bit and taking away from the powers of provinces in slices indirectly, it would have been far better to do so directly and say that there shall be no provincial autonomy except to the extent the Centre pleases.....”

Rev. J. J. M. Nicholas Roy, a Christian member from Assam, realising the peril of the extinction of the minority cultures in the unitary system, said : “To say that the culture of those must be swallowed by another culture, unless it is a better culture and unless it be by a process of gradual evolution, is rather very surprising to anyone who wants to build up India as a nation and bring all people together.”

Mohd. Ismail Sahib, a Muslim League member from Madras, said : “It (Constitution of India) has been based on the suspicion of individuals and component units. The idea seems to be that individuals will always be scheming and conspiring to set authority at naught and the units will always be on the look out for doing something wrong. Therefore, Sir, though the scheme of things as adumbrated in the Draft Constitution is alleged to be on a federal basis, it is really overweighting the Centre with too much powers. This is not salutary, at least under the circumstances obtaining in the country.....Ours is a country of vast distances and huge populations. Therefore, it is not conducive to efficiency to over-concentrate power in the Centre. Units must be left with adequate power in their hands. It must not be the basis of this Constitution that patriotism and anxiety for the welfare of the people are sole monopoly of the Centre. It must be admitted that provinces and individuals are also as patriotic as anybody else.....and so far as provinces and units are concerned the same spirit seems to prevail. By various processes, the power of the provinces are sought to be taken away.....” Charging that minority members were being coerced to accept the Unitary Constitution, he added : “I also know that if only members are given the right to vote as they please, and if they are given

freedom to vote on this particular question at least, I know, Sir, many members will vote for these amendments.”<sup>16</sup>

Another Muslim member, K. T. M. Ahmad Ibrahim, also speaking in the same strain said : “Members from all parties, irrespective of party affiliation, have condemned during the general discussions this aspect of the Constitution. They have repeatedly shown that this draft Constitution is in a spirit of unitary form of government and not a federal one. Now Sir, here is a list of subjects drawn up and attached to the Constitution, a very large number of subjects which is usually in the provincial list have been transferred to the concurrent list and the Union list with the result that we find only small number of subjects included in the provincial list.” He added that this would lead to a unitary form of government.

Another Muslim member, B. Pocker Sahib, spoke against the unitary form of government : “Now after we have won freedom, to do away with provincial autonomy and to concentrate all the powers in the Centre really is tantamount to totalitarianism which certainly must be condemned. Well, if some groups of persons agitate for protecting their rights as a group it is called communalism and it is condemned. If the provinces want provincial autonomy to be secured and to allow matters prescribed to them to be dealt with by themselves, well that is called provincialism, and that it is also condemned. If people press for separation of linguistic provinces, it is called separatism and is condemned...But I am afraid that the result of condemnation of these various ‘isms’ namely communalism, provincialism and separatism is that it leads to totalitarianism or even fascism...If all kinds of oppositions are to be got rid of in this sort of way, well, the result is that there is totalitarianism of the worst type and that is what we are coming to having regard to the provinces in the draft Constitution as they stand.” Referring to coercion of minority members he added : “Whips are being issued and members are being guided by these whips..... that is a fact well known and cannot be denied.”

The linguistic point of view was voiced by a prominent Congress leader, K. Hanumanthaiya, later Railway Minister, in Indira Gandhi’s Cabinet : “We were, during the days of freedom

<sup>16</sup>Constituent Assembly Debates Vol. VII part 28 p. 1126.



struggle, wedded to certain principles and ideologies as taught to us and as propounded to us by Mahatma Gandhi. The first and foremost advice which he gave in his picturesque language was that the constitutional structure of this country ought to be broad-based and pyramid-like. It should be built up from the bottom and should taper right up to the top. What has been done is just the reverse. The initiative from the provinces and the States and from the people has been taken away and all power has been concentrated in the Centre. This is exactly the kind of Constitution Mahatma Gandhi did not want and did not envisage.”

There were certain leaders who did forcefully espouse the cause of provinces being given greater power. Shri Narain Singh of Bihar said : “The stronger the Central Government, the better it is. But at the same time we should not curtail the powers of the provinces.....but in my opinion the residuary power vested in the provinces should remain intact. The needs of our provinces differ widely from those of others.....But while considering residuary power you will have to bear in mind that formerly when Pakistan had not come into being, we accepted the principle that the residuary power must rest in the provinces. Now it is not proper to say that it is no more necessary because Pakistan has come into being. As to whom the powers should be conceded to ensure the greater measure of benefit to the masses is a question that should be well considered. Residuary powers must vest in the provinces.”<sup>17</sup>

There were also politicians who demanded the right of secession for the provinces. Som Nath Lahiri, a Communist member from Bengal, was an ardent advocate of this viewpoint when the first report of the Union Powers Committee was tabled before the Constituent Assembly. It will be recalled that this Report had recommended a greater measure of autonomy to the provinces with residuary powers vested in them. Som Nath Lahiri stated in the Constituent Assembly : “You desire the unity of India. It is out of that desire that you have given the right of autonomy and residuary powers to provinces there, but refused right of secession etc. to linguistic units. I also am as much eager for the unity of India as you are, but the

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<sup>17</sup>Constituent Assembly Debates, Vol. V part 4 p. 93.

point is can you get the unity by means of force or by compulsion.”<sup>18</sup>

The viewpoints of the participants in the Constituent Assembly were aptly summed up by T. T. Krishnamachari, a prominent leader from the South who stated : “One of the basic defects of this Constitution is supposed to be that it is not a federal Constitution but a unitary one. There are other members who feel that it is a Constitution mid-way between the two—whatever that means. A third class of persons said that it is a decentralised Unitary State...The general complaint is that there is too much centralisation in the Constitution which deprives the unit of its initiative. One complaint which has been common to the criticism voiced by most of the people coming to speak for the provinces is that the provinces have been left in a bad way financially...Reference has also been made that we should have been wiser to have modelled the Constitution on the United States Constitution or the Soviet Constitution.” In spite of the dissenting voices, the Constitution was adopted by an overwhelming majority in the face of opposition, both covert and overt.

The controversy over the different provisions of the Constitution related particularly to the Centre-State relations, emergency and financial powers of the Union Government. The authority of the Governors in the provinces tends to engage the controversy over Centre Vs States for the past 26 years. The federal components incorporated in the Constitution of India, 1950, have to be assessed from a new angle in the light of the experience of the working of the Constitution.

According to Dicey, “A federal State requires for its formation two conditions. There must exist in the first place, a body of units such as the cantons of Switzerland, the colonies of America or provinces of Canada, so closely connected by locality, by history, by race, or the like, as to be capable of bearing, in the eyes of their inhabitants an interest of common nationality. It will be generally found (if we appeal to experience) that lands which now form part of a federal State were at some stage of their experience bound together by close alliance or by subjection to a common sovereign. It were going further than facts warrant to assert that earlier connection is essential to the

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<sup>18</sup>Constituent Assembly Debates, Vol. I part 9 p. 181.



formation of a federal State. But it is certain that when federalism flourishes, it is generally the slowly matured fruit of some earlier or loose connection."

"A second condition absolutely essential to the founding of a federal system is the existence of peculiar State of sentiment amongst the inhabitants of the countries which are prepared to unite. They must desire union and not desire unity. If, on the other hand, there be a desire for unity, the wish will naturally find its satisfaction not under a federal but under a unitarian Constitution. The phase of sentiment, in short, which forms a necessary condition for the formation of a federal State is that the people of the proposed State should wish to form for many purposes a single nation, yet should not wish to surrender the individual existence of each man, State and canton." It is in this context that we have to analyse the growth of a federal concept in the country.

India is a geographical entity which was brought under unitary rule during the Mauryan, Gupta, Moghul and British paramountcy, but it has never achieved cultural or emotional homogeneity. This heterogeneous country has in the past been administered through its provincial units with the Centre exercising a loose control. The impact of Western Civilisation evoked religious and cultural revivalism amongst the different sections of the people who aspired in the nineteen-thirties to conjugate the Hindu and Muslim dominated provinces. The prospects of a United India faded away on the failure of the political leadership to arrive at an agreed settlement at the Round Table Conferences or to successfully implement the Cabinet Mission Plan of May 16, 1946. This led to the vivisection of the country in 1947 into India and Pakistan.

India after partition contained a sizeable Muslim population which considered itself as a distinct nationality and were diffused as a minority in most of the States. The Sikhs regard themselves as a distinct people with their own religion, traditions, history and language. This feeling was exacerbated when the Hindus of Punjab denied Punjabi the status of a mother-tongue. The Sikhs, to recall history, were once suzerains of Punjab, Kashmir and the major part of West Pakistan, and their daily prayer betrays an ardent desire for sovereignty. There are also the Dravidians who constitute a majority in the four southern States. They are racially, culturally and linguisti-

cally distinct from the Aryans of North India and have evinced a desire to secede from India and form their own union. Ten million Christians, diffused throughout the country, have also started viewing the majority community with suspicion and claiming a distinct identity. They have been able to carve out the tiny Nagaland State with a Christian majority. "The diversity of the Indian people", according to Jawaharlal Nehru, "is tremendous; it is obvious; it lies on the surface and anybody can see it. It concerns itself with physical appearance as well as with certain mental habits and traits. There is little in common, to outward seeming, between the Pathan of the Northwest and the Tamil in the far South. Their racial stocks are not the same, though there may be common strands running through them; they differ in race and features, food and clothing, and of course, language. All of them have their distinctive features, all of them have still more the distinguishing mark of India. It is fascinating to find how the Bengalis, the Marathas, the Gujaratis, the Tamils, the Malayalis, the Sindhis, the Punjabis, the Pathans, the Kashmiris, the Rajputs, and the great Central bloc comprising the Hindustani-speaking peoples, have retained their peculiar characteristics for hundreds of years, have still more or less the same virtues and failings, of which old traditions on record tells us, and yet have been throughout these ages distinctively Indian, with the same national heritage and the same set of moral and mental qualities."<sup>19</sup> It is a historical fact that one-fourth of the people were disinclined to accept a common national heritage and opted out, carving the separate country of Pakistan. The heterogeneity was reflected in the acceptance of the principle of linguistic States and their subsequent creation. It was in the back-drop of these divergent linguistic, religious and cultural aspects that a federal Constitution was accepted. It was also agreed upon that the Centre would exercise power over the Muslim State of Jammu and Kashmir only in the realm of Communications, External Affairs and Defence. The majority community have, however, cast a Nelson's eye on the federal concept and have forced a unitary form of Government on the country.

Professor Wheare states : "Federal principle has been intro-

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<sup>19</sup>Jawahar Lal Nehru 'Discovery of India'



duced into its terms to such an extent that it is justifiable to describe it as a 'quasi-federal' Constitution" and points it out "as a unitary State with subsidiary federal features rather than a federal State with subsidiary unitary features."<sup>20</sup> According to Professor C.H. Alexandrovich, it cannot even be termed 'quasi-federal.' "In the expression 'quasi-federation' the word *quasi* hints at a deviation from the federal principles without indicating what kind of special position a particular quasi-federation occupies between unitary State and a federal proper. It may be suggested that a federation established from above for administrative convenience only be termed 'administrative federations.' They are, in fact, federations with undivided sovereignty in which the Centre yields to the units a limited share in the administration of local affairs only, not infrequently on the basis of delegation of power."<sup>21</sup> Sir Ivan Jennings, has called it a federation but with centralised tendencies. P.B. Gajendragadkar is of the view that it cannot be called 'federal in the technical sense of the term' even though in form the Union of India can, in a superficial sense be said to be a "federation." He feels that it is in practice a unitary form of Constitution.

The Administrative Reform Commission has opined : "The constitutional edifice is neither unitary nor federal in the strict sense of the term." Setalvad, former Attorney-General of India has observed that the Constitution of India, "may perhaps be best described as an arrangement arrived at by the representatives of the people for the governance of their country by the grouping of its territories into various regions, by a distribution of territories into various regions, by a distribution of legislative and executive powers between the Government of these regions and the general Government at the Centre, by the creation of institutions and agencies needed for efficient governance of the country."<sup>22</sup> He has neither used the term unitary nor federal while describing the constitution.

A most appropriate description is given by K. Santhanam. He terms it as a 'paramount constitution' signifying that paramountcy rests in the Centre and the States play a

<sup>20</sup>K.C. Wheare 'India's New Constitution Analysed.'

<sup>21</sup>C. H. Alexandrovich 'The Constitutional Development in India' p. 159.

<sup>22</sup>M. C. Setalvad 'The Indian Constitution, 1950-65' p. 6.

subordinate role. "It may be briefly described as a federation in which the paramountcy powers which the British Government had over the Indian States have been taken over by the Union Government and applied to all its units. This is a peculiar illustration of how the historical background affects people even when they break away from history. The national leaders had always agitated against the doctrine of paramountcy. But the Constituent Assembly has effectively installed those powers in the Constitution. So it will be appropriate to call our federation a 'paramount federation.' It may be a new phrase, but it describes correctly the existing state of affairs."<sup>23</sup> The novel features of the Constitution pertain to administrative arrangements rather than evolution of a federal structure. The Constitution is in reality unitary with a label of federalism. The appraisal of its provisions and salient features would reveal this character of the Constitution.

Article 3 of the Constitution provides for formation of "a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State," on the recommendation of the President after he has "referred to the legislature of that State for expression of its views." The organisation of States can be effected by the majority vote of parliament without any amendment of the Constitution. Prior to 1955, the President was empowered to make such recommendations after he had "ascertained the view of the legislature of the State concerned both in regard to the proposal and its provisions." An amendment of 1955 only requires him to make reference to the concerned State legislature, but he is not under any obligation to accept their recommendation. Such a provision is unprecedented and unheard of in the federal Constitutions of other countries. In the U. S. A., the Federation is described as the indestructible union of indestructible States, and the federal Government cannot reorganise States without consent of their legislatures. The Australian Constitution has similar provisions with the additional safeguard that a "popular referendum is required in the affected State to alter the boundaries." The federal Constitution of the Swiss Confedera-

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<sup>23</sup>K. Santhanam 'Union State Relations in India' p. 13.



tion, and the German Constitution of 1919 provided for similar safeguards. The same is true of Canadian and South African Constitutions. Articles 3 and 4 of the Indian Constitution, on the contrary, are arbitrary in that they empower Parliament to reorganise and even extinguish a State through recourse to legislation. Thus the very existence of a State depends on the whims and caprices of the ruling party. K. Santhanam, one of the architects of the Constitution unfurls the intent of the framers when he writes, "now, let us visualise the time when the present state of affairs in which a single party controls the Centre and most of the States will not continue. Then, one of the threats which the Union Government can hold out to an insubordinate State is to detach portions of the territory, specially in the border areas and attach them to some other. No such thing is likely at present, but Constitutions are made not for a day or two—we hope that our Constitution will endure for centuries as the American Constitution has done and, therefore, we have to visualise all possibilities and probabilities."<sup>24</sup>

Article 249 of the Constitution empowers the Rajya Sabha to make laws for the whole or part of the territory of India "by a resolution supported by not less than 2/3rd of the members present and voting, that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerating in the State list specified in the resolution." The Article does not impose any time or subject it to any restriction. Such provisions are unheard of in Constitutions of other countries. "The principle underlying the American federation is that one of the parties to the federation cannot, by its unilateral action, alter the distribution of powers made by the Constitution. The division of powers in the American federation is rigid. Notwithstanding the revision of the borders by judicial interpretation, from time to time, the power does not lie in the hands of the federal Government acting alone, to transfer to itself the powers that were reserved to the States by the Constitution. The Congress cannot formally transfer to itself any of the powers belonging to the States. The only way to effect it is the process of amendment."<sup>25</sup> Both the Australian

<sup>24</sup>K. Santhanam 'Union State Relations in India' p. 12.

<sup>25</sup>D. D. Basu, 'Commentary on the Constitution of India' (Fifth edition) Vol. IV p. 184.

and Canadian Constitutions restrain their Parliaments from legislating for the States without amendment of the Constitution. Article 249 is unfederal as it empowers a 2/3rd majority in the Rajya Sabha to amend the Constitution. Ashok Chanda writes; "There is scope for a misuse of this Article in the event of a number of the smaller States coming under the control of one or more of the opposition parties. The Central Government may not like their policies and the direction in which they are moving. The laws they make in the fields of economic development and labour relations may be so oriented as to facilitate the propagation of an ideology which conflicts with the ideology of the union and other States. In such a situation there may be a temptation on the part of the party in power at the Centre to sponsor a resolution in collusion with the States controlled by the same party to transfer to Parliament legislative powers in regard to these matters. Here again, it may be claimed that it is not an abuse of power. The basis of democracy is rule by the majority and if the majority of the people do not subscribe to a philosophy, it should have the right to oppose and suppress it. In a unitary system, this policy is unexceptionable but in a federation, it is hardly so, involving as it does a restraint on the powers given to the States in the Constitution."<sup>26</sup>

Articles 356 and 357 provide for taking over the administration of the States by Parliament "if the President on receipt of a report from the Governor of a State or otherwise, is satisfied that the situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution." He can use emergency powers on the report of the Governor who is normally an agent of the ruling party at the Centre. There are no guidelines laid down in the Constitution for invoking these powers. Such powers have been reportedly exercised 19 times by the ruling party at the Centre.

This power was invoked in Punjab in 1951 partly to smoothen dissensions in the State Congress Party, but largely to provide the plum post of Chief Minister to a blue-eyed boy of Prime Minister Nehru at the expense of the then Chief Minister who was a nominee of Sardar Patel. Again in 1953 to ease out the United Front Ministry in Pepsu, which was the only non-

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<sup>26</sup>Ashok Chanda 'Federalism in India' p. 90.



Congress Ministry at the time emergency was proclaimed on the pretext that its leader, Gian Singh Rarewala was unseated by the Election Tribunal. It was conveniently forgotten that the United Front Party possessed absolute majority in Pepsu. The Central Government manipulated things in such a way during the President's rule as to restore the Congress back to power in the State by 1954. The same story was repeated in Uttar Pradesh where the Constitution was suspended for a brief spell to bring back the Congress under Kamlapati Tripathi into power at the cost of the Opposition. The Congress led by the Centre was guilty of infractions of these provisions in most of the other 16 cases. K. Subba Rao, a former Chief Justice, observed in the Lal Bahadur Shastri Memorial Lectures, "this provision is intended to preserve and protect democracy, but is capable of great abuse. Since the present Constitution of India came into operation there had been many occasions when this power was invoked; 1951 in Punjab, 1952 in Pepsu, 1954 in Andhra, 1960 in Kerala, 1961 in Orissa and 1967 in Rajasthan and Haryana, 1968 in West Bengal, Punjab and Bihar.

There was strong public criticism that in most of these cases it was not correct to hold that the State could not be carried on in accordance with the provisions of the Constitution within the meaning of Article 356 thereof.....

"...These proclamations and the criticism bring out inherent conflict between the Centre and the States which, unless reasonably resolved, will put the relationship in peril. The resolution of this conflict lies in the true interpretation of Article 356 of the Constitution and on building up of healthy conventions...."

"...Unless the party that happens to be in power at the Centre develops conventions to shed its party affiliations in the matter of its relations with the State, the federal government cannot function effectively in the country."

Article 365 deals with emergency powers of the Centre, "where any State has failed to comply with or to give effect to any directions given in the exercise of the executive powers of the Union under any provision of the Constitution, it shall be lawful for the President to hold that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution." This Article highlights the subordinate status of the States in the

administrative set-up and testifies the unitary nature of the Constitution. The Central Government has in reality delegated administrative powers to the States to be exercised under the directions of the Central Cabinet. Ashok Chanda describes these powers thus : "These are extraordinary provisions absent in all other Constitutions. In the United States Constitution, the Bill of Rights is virtually inviolable and there is no provision for denial of legal relief. The invasion of the legislative and executive jurisdiction of the States is also repugnant to the very concept of its federal Constitution. Though imbibing the principles of democratic Constitutions, the Indian Constitution is not altogether free from authoritarian trends which it inherited in accepting the basis of the 1935 Act."

"The purpose of concentrating authority in the Central Government under an alien rule was different from that after Independence, but nonetheless there was need for this concentration on many considerations. Whether it should be so excessive as to endow the Union with dictatorial powers in an emergency extending to detention of people even illegally is another matter for which convincing justification is difficult to adduce."<sup>27</sup>

Article 352 bestows vast emergency powers on the Central Government. It states : "If the President is satisfied that a grave emergency exists whereby security of India or any part of the territory there of is threatened whether by war or external aggression or internal disturbance, he may, by proclamation, make a declaration to that effect." The result would be that Parliament would be (i) enabled to legislate for any State even with respect to any matter or subject enumerated in the State list; (ii) empowered to confer powers and impose duties upon the authority and officers of the Central Government about matters wholly within the competence of the State; and (iii) entitled to the executive powers of the Union Government for giving direction to any State as to the manner in which the State executive power is to be exercised; and (iv) would invest the Cabinet at the Centre with absolute powers to modify the entire structure of division of financial powers as between the Union and the States embodied in Articles 268 to 279 of the Constitution. Besides, during the

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<sup>27</sup>Ashok Chanda 'Federalism in India' p. 67.



period of emergency the articles conferring Fundamental Rights also remain suspended.

The proclamation of emergency declared in October, 1962, during the Indo-China confrontation, remained in vogue till early 1967. The massive power contained in the Articles has been commented upon by D. Basu, a member of the Law Commission who observes : "The actual occurrence of war or of any internal violence is not necessary to justify a proclamation of emergency by the President. The President can make such proclamation if he is satisfied that there is an imminent danger of such external or internal aggression, and the courts have no jurisdiction to enquire whether the security of India has in fact been threatened or not. In other words, the courts cannot enquire into the validity of proclamation by the President on the ground that no emergency did exist in fact. No other Constitution in the world contains such drastic powers of the Centre suspending even the fundamental rights of citizens." Apropos the American Constitution, the Supreme Court of that country has held that; "extra-ordinary conditions do not create or enlarge constitutional powers." It goes on to state that the "President or Congress cannot, even in a war, make any encroachment on the sovereignty of the State." They have no jurisdiction over internal defence matters. The Australian Constitution does not permit modification of the federal and State powers or imposition of federal legislation on State matters. The Australian Parliament is empowered to ensure prosecution of war hinged on judicial and not federal interpretation. The American and Australian Constitutions do not permit that Parliaments or federal executive to infringe on fundamental rights of their citizens.

Article 360 enforces application of clause 2 of Article 352. "If the President is satisfied that a situation has arisen whereby the financial stability or credit of India, or any part of the territory thereof, is threatened, he may by a proclamation make a declaration to that effect." This would entitle the Central Government to issue directions to States—"to observe such canons of financial propriety as may be specified in the direction and to the giving of such directions as the President may deem necessary and adequate for the purpose." There are no guidelines in the Constitution describing "canons of financial

propriety.” They hinge on the discretion of the Central Cabinet. K. Santhanam has commented : “it may happen that the financial instability may be the result of the action of the Union Government, but still the States may have to pay the penalty.”<sup>28</sup>

The other Articles which erode federalism are 256 and 257. Article 256 provides that “the executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that State, and the executive powers of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.” Article 257 lays down that, “.....the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose. The executive power of the Union shall also extend to giving of directions to a State as to the construction and maintenance of means of communications declared in the directions to be of national and military importance.....” Part (2) of this Article relates to the construction and maintenance of communications but part (1) vests major powers in the Union executive to issue directions to the State Governments whenever it sensed that its powers were being violated by them. Such provisions which are repugnant to a federal concept are alien to the Constitutions prevailing in the U.S.A., Canada, Australia and Switzerland. The oddity of these provisions is that in case of the inability of any State to carry out the directions of the Centre it would lead to invocation of Article 365 and take-over of the State administration. This Article can also be invoked if the ruling party apprehends that a particular State Government is ideologically opposed to it. These provisions evoked strong protests from Pandit H.N. Kunzru and Pandit Thakur Das Bhargava, both of whom subscribed to a unitary form of Government. Pandit Kunzru explained : “We are principally concerned with Articles 256 and 257.....Is there anything in Articles 256 and 257 that can enable the President to declare that the Government of States cannot be carried in accordance with the provisions of the Constitution, if the State Executive

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<sup>28</sup>K. Santhanam ‘Union-State Relations in India’



fails to carry out the instructions of the Central Executive ?..... But it will be going too far to say that if the Provincial Government failed to carry out in every respect the instructions of the Central Executive or if the Central Executive feels that its instructions have not been fully carried out, the President may declare that the Government of the State cannot be carried on in accordance with the provisions of the Constitution and may then assume to himself all the powers of the Government and take such other measures as he can under the Constitution.”<sup>29</sup>

Pandit Thakur Das Bhargava said : “Suppose there is a failure of Provincial Government to cope with any direction of the Government of India, will it not be declared that the future Government of the State cannot be carried out in accordance with the provisions of the Constitution. ...But, Sir, if you hold that in a given set of circumstances, when the Government is being carried out in accordance with the provisions of Article 356, then Article 356 applies to both the contingencies, then there is no occasion for enacting a measure like this, which is very arbitrary and despotic in character.”<sup>30</sup>

K. Hanumanthaiya, an advocate of linguistic provinces stated : “Sir, every time the question of Centre comes up, people say they should make the Centre strong because the provinces may misbehave and that we must always keep a vigilant eye on them. Not that I am in favour of the view of making the Centre weak but people who have fought for democracy, people who are framing a democratic Constitution, forget that if the provincial Governments misbehave, there are provincial legislatures to set them right. It is a sad commentary upon the psychology of most of us that we completely ignore the provincial legislatures and the people in the provinces and attribute all the virtues to the Centre and to the Government that exists in Delhi.”<sup>31</sup>

With regard to the mantle of power taken over by the Union Government, Ashok Chanda's comments are relevant : “In the distribution of jurisdiction between the Union and the States, only such highways as are declared by Parliament to be national,

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<sup>29</sup>‘Constituent Assembly Debates’ Vol. XI part 2 p. 506.

<sup>30</sup>‘Constituent Assembly Debates’ Vol. XI part 2 p. 511.

<sup>31</sup>Ibid. p. 518.

fall in the sphere of Union responsibility. But despite this distribution, the Union has been empowered to give directions to the States for the construction and maintenance of means of communications considered by it to be of national or military importance. This provision thus makes it possible for the Union Executive to arrange for the construction and maintenance of means of communications without invoking the legislative powers of parliament for their formal declaration as 'national'. The purpose of this executive encroachment on a Parliamentary function is not very clear. That this is an encroachment is evident as a reassuring proviso has been incorporated to say that the power of Parliament is not restricted in any way by this dispensation."<sup>32</sup>

Articles 339(2) and 344(6) invest the Union Government with special powers. Article 339(2) pertains to the enlargement of the executive powers of the Union "to the giving of directions to a State as to drawing up and execution of schemes specified in the directions to be essential for the welfare of the Scheduled Tribes in the State." The welfare of the Scheduled Tribes vests in the States with financial provisions made in their budgets, yet the Centre is empowered to issue directions to them. Article 344(6) pertains to the issuance of directions by the Centre to the States regarding the use of the Hindi language in consonance with the directions of the commission under Article 344(1) about the "progressive use of the Hindi language for the official purpose of the Union" under clause 2 of Article 344 and further under clause (6) which provides, "notwithstanding anything in Article 343, the President may, after considering the report referred to in clause (5), issue directions in accordance with the whole or any part of the report." This provision which relates to the controversial language issue tends to touch the tender chord of the State people. Any resultant conflict may encourage the Centre to dislodge the State Government from power.

It should be recalled that the Act of 1935 was enacted by the British rulers who were advocates of centralisation with delegation of minimal powers. It was the force of circumstances which gave the Act of 1935 the trappings of federalism. This Act provided a clear watershed between administrative and

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<sup>32</sup>Ashok Chanda 'Federalism in India' p. 107-108.



legislative responsibilities of the Centre and the provinces and vested certain powers of adjudication on constitutional issues by the Federal Court. In pursuit of the policy of centralisation, the residuary powers were vested in the Governor-General with authority to allocate them to the federal or provincial legislature. The British did not vest the residuary powers with the Centre to accommodate the viewpoints of the minority communities, including the Muslims. The Congress which had all along stood for vesting residuary powers in the provinces changed colours like a chameleon after partition and vested these powers in the Centre under Article 248 read with item 97. This is repugnant to the federal form of the Constitution which reflects the heterogeneous nature of Indian population. The residuary powers pertaining to legislation and taxation are expressly vested in the States in the U. S. A., Switzerland and Australia. There is a clause in the British North American Act of 1871 which provides that the Dominion Parliament may "make laws for the peace, order and good Government of Canada, in relation to all matters not coming within the classes of subject by this Act assigned exclusively to the legislatures of the provinces." In Canada, the residuary powers are vested in the provinces and are deviated only during a national emergency. We therefore, arrive at the conclusion that in all countries with a federal Constitution save India, the residuary powers are vested in the provinces.

The Union, State and Concurrent lists were based on the Act of 1935 which provided for a unitary form of Government. During the coining of the lists for the Indian Constitution in 1950, 14 items were transferred from the State to the Union and Concurrent List. Article 146(2) read with Article 154 spells out that Parliament cannot only legislate on the Concurrent List, but its legislation, "whether passed before or after the laws made by the legislature of such States," shall override the cognate State legislation. The division of the List not only controverts the federal concept but is designed solely for the sake of the administrative convenience as was provided for in the Act of 1935. Ashok Chanda has aptly described the reasons for this change of stance from the federal concept thus : "The accession of the princes having cleared the deck, the Constituent Assembly proceeded to give consideration to the future form of

India's administration. It had become abundantly clear by then that it would be ideal to revert back to the unitary form of Government for more than one reason. First, India was a country of many races and many religions; there were substantial minorities, backward classes and tribals. Only a strong Central Government could weld these diverse elements and interests into a homogeneous entity and foster a feeling of national solidarity. Secondly, the stagnant economy of the country, under a century of alien rule, needed resolute national direction for its regeneration. Thirdly, India's past history of internecine strife and disruptive regional forces pointed to the restoration of a Unitary Government."<sup>33</sup> The purport of reverting to the Unitary form of Government was designed to absorb minorities into the major religious group. This has become patent during the last two decades and has set the minorities thinking of their future.

There is another conduit through which the Centre can intervene in the routine affairs of the State. The Governor, who is a nominee of the Union Government, is appointed by the President under Article 155, and holds office at his pleasure. He virtually exercises no powers and is a mere constitutional head of the State. During discussions on the issue whether a Governor should be by nomination or election, Dr. Ambedkar, Law Minister, described his powers : "It was also felt that nobody, knowing fully well what powers he (Governor) is likely to have under the Constitution would come forth to contest an election. We felt that the powers of the Governor were so limited, so nominal, his position is so ornamental and that probably very few would come forward to stand for election."<sup>34</sup>

The Supreme Court also confirmed this interpretation vide 1955, S. C. 549. "The President has thus been made a formal or constitutional head of the Executive and the real executive powers are vested in the Ministers or the Cabinet. The same provision obtains in regard to the Government of States; the Governor occupies the position of the head of the executive in the State, but it is virtually the Council of Ministers in each State that carries on the executive Government. In the Indian

<sup>33</sup>Ashok Chanda 'Federalism in India' p. 36-37.

<sup>34</sup>Constituent Assembly Debates, Volume VIII part 12, p. 488.



Constitution, therefore, we have the same system of Parliamentary Executive as in England and the Council of Ministers consisting, as it does, of the members of the legislature is, like the British Cabinet, 'a hyphen which joins, a buckle which fastens the legislative part of the State to the executive part.'

As stated earlier no discretion rests with the Governor save to meet three situations—(i) appointment of Chief Minister (ii) dismissal of Ministry and (iii) dissolution of Assembly. On paper the discretion is subject to the following limitations :

(i) The leader of the majority party is to be appointed Chief Minister.

(ii) Dismissal of a Ministry is resorted to when it forfeits its majority and is still hesitant to vacate office.

(iii) Dissolution of the Assembly is on the advice of the Chief Minister and in a predicament when it is not possible to form a Ministry.

Yet in practice, Governors have been encouraged by the ruling party during the last 26 years to abuse their powers. In 1951, the Punjab Governor was made to submit a report at the instance of the ruling party that a stable Government was not feasible due to dissensions between the factions of Chief Minister Gopi Chand Bhargava and Bhim Sen Sachar. President's rule was ushered in with the prime motive of installing Bhim Sen Sachar as Chief Minister. Similarly in 1953, the Rajpramukh of Pepsu was made to report that a stable ministry was not possible as a sequel to Gian Singh Rarewala being unseated by the Election Tribunal despite the fact that his party, the United Front, retained the majority. Yet President's rule was imposed, followed by mid-term elections and installation of the Congress into power. At the time of the birth of Kerala, elections were held in the new State. There was raising of eye brows when the Governor set-up a new precedent by inviting Pattom Thanu Pillai, leader of the minority S. S. P., to form a Cabinet with the support of the Congress Party despite the Opposition being in a position to do so. Although the C. P. I (M) emerged as the largest single party in Kerala in the mid-term elections of 1965, it was not given an opportunity to form a Government. The Governor broke all conventions by recommending imposition of President's rule in that State. As mentioned earlier, the Governor of Uttar Pradesh

recommended imposition of President's rule as a stop-gap measure to enable the Congress Party to form a Ministry in that State. In November 1967, the Governor arbitrarily dismissed the United Front Ministry in West Bengal, on the flimsy plea that the Chief Minister was reluctant to summon the Assembly on the dates desired by him. Subsequently in March 1970, when the same Chief Minister Ajoy Mukherjee tendered his resignation due to differences with the other constituents of the United Front Party, the Governor did not afford an opportunity to Jyoti Basu, leader of the C. P. I. (M), the largest party in State, to constitute a Ministry on the plea that he declined to furnish a list of his supporters from the other parties. Jyoti Basu's contention was that the proof as to whether he enjoyed a majority should be tested on the floor of the House. The Governor again arbitrarily recommended President's Rule in the State. After the fourth General Elections in Rajasthan, the Samyukta Dal, which was a bloc of the Swatantra, Jan Sangh, S. S. P. and the Janata parties, along with some independent legislators, claimed a majority. The Governor strongly expressed his reluctance to test their strength on the floor of the House and recommended President's Rule. This was only a short-time measure to enable the Congress party to jockey for a majority and get installed in power. The Governor, Mr. Jatti refused to call upon Bijju Patnaik, the Utkal Congress leader, to form the Ministry on the fall of the Congress Ministry in Orissa in March, 1973, at the obvious behest of the ruling party at the Centre, despite the fact that he carried the requisite number of members comprising majority to Raj Bhavan and exhibited his strength by counting of heads. Yet the Assembly was dissolved and President's Rule promulgated in the State. All these instances bear out that the Governors are puppets of the ruling party and therefore all their actions are partisan. It is, therefore, essential to have elected Governors.

Article 164 enunciates that "the Ministry shall hold office during the pleasure of the Governor." It implies that a ministry shall continue in office as long as the Chief Minister enjoys the confidence of the House which is synonymous with the pleasure of the Governor. It was in this context that Alexandroviaz wrote "the Governor was clearly intended to be



nominal Head of the State and this is his position in practice. Except in marginal cases, his pleasure is accorded and withdrawn from the Ministry automatically and not as a matter of his discretion.”<sup>34A</sup> G. S. Pathak, later the Vice-President of India, accepted this interpretation while inaugurating the National Convention of Union-State relations at New Delhi on April 3, 1970. He said : “He (Governor) is the constitutional head of the State to which he is appointed and in that capacity he is bound by the advice of the Council of Ministers of the State except in the sphere where he is required by the Constitution, expressly or impliedly, to exercise his discretion. In the sphere in which he is bound by the advice of the Council of Ministers for obvious reasons, he must be independent of the Centre. There may be cases where the advice of the Centre may clash with the advice of the State Council of Ministers. In the sphere in which he is required by the Constitution to exercise his discretion, it is obvious again that it is his discretion and not that of any other authority, and therefore his discretion cannot be controlled or interfered with by the Centre.”

There has been a wide chasm between precept and practice and the Governors have articulately acted in a partisan manner as marionettes of the ruling Congress to the detriment of the opposition parties. This was manifested more glaringly after 1967 when non-Congress Ministers were installed in some States. Ashok Chanda states : “The Governors are appointed by the President on the advice of the Prime Minister. It has invariably happened that, with the exception of one or two ex-officials, all the Governors have been chosen from the ranks of the political party in power ; not unoften, politicians who had lost at elections or were otherwise considered inconvenient. Though theoretically the Governor severs active connection with the party, he remains basically a party man, keeping watch on political developments. He may not, therefore, consult his Cabinet in making a reference to the President on State legislation prejudicial to his party.”<sup>35</sup>

Subrato Sarkar writes : “A study of the role played by the Governors in some States during the period 1967 to 1971, streng-

<sup>34A</sup> C. M. Alexandrovicz ‘Constitutional Development in India’ p. 142.

<sup>35</sup> Ashok Chanda ‘Federalism in India’ p. 99,

thens the view of some political observers that the Governor's posts were created mainly to consolidate the Centre's control over the affairs of the States. The post of the Governor has become an important weapon in the hands of the ruling party to gain or regain control of the State Governments. An analysis of the political trends in the States for the last five years shows that President's rule had been and is being imposed on those States only where the ruling party had no scope to form alternative Ministries."<sup>36</sup> The study team of the Administrative Reforms Committee says : "The Governor functions for most purposes as a part of the State apparatus; but he is meant at the same time to be linked with the Centre. This link and his responsibility to the Centre flow out for the Constitution mainly because of the provision that he is appointed and can be dismissed by the President...The Constitution thus specifically provides for departure from the strict federal principles."

The lingering suspicion of the opposition parties that the Governors function in a partisan manner is borne out by the annual briefing conference of Governors held by the ruling party. Prime Minister Indira Gandhi, speaking at the Governor's Conference on December 2, 1972, is reported to have pleaded for a "revolutionary change in our thinking and attitude" and suggested that "the Governors should play an active role in the affairs of their States." The Governors, she said, should play a positive role in placing before the people the problems and achievements of the country in proper perspective, so that in the mist of carping criticism the people did not lose their self-confidence."<sup>37</sup> Although the Prime Minister expressed her views relating to "intellectual and cultural life of the States" yet her mandate to the Governors is obviously to bolster the achievements of the ruling party. This is patently contrary to the constitutional and non-discretionary role of the Governors as laid down in the Constitution.

The Governor is also empowered under Article 200 to withhold assent to a Bill passed by a State Assembly. Article 200 provides : "When a Bill has been passed by the Legislative Assembly of a State or in the case of a State having a Legisla-

<sup>36</sup>Subrato Sarkar 'The Centre and the States' p. 147,

<sup>37</sup>The Tribune, Dated Dec. 3, 1972,



tive Council, has been passed by both Houses of the Legislature of the State, it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or he withholds assent thereof or that he reserves the Bill for the consideration of the President, provided that the Governor may as soon as possible after the presentation to him of the Bill for assent, return the Bill if it is not a money Bill, together with a message requesting that the House or Houses will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the House or Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the House or Houses with or without amendment and presented to the Governor for assent, the Governor shall not withhold assent therefrom, provided further that the Governor shall not assent to, but shall reserve for the consideration of the President, any Bill which in the opinion of the Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is by this Constitution designed to fill." The withholding of assent and subsequent reference to the legislature is not only contrary to federal principles but may defeat the purpose of the Bill by delays involved.

The jurisdiction over finance is also a yardstick by which a political set-up can be sized up as federal or unitary. According to Professor Wheare, the basic requirement in a federal set-up is that "both general and regional Governments must have own independent control over financial resources sufficient to conform its exclusive function."<sup>38</sup> Independent control over its financial resources is a device to give the States a veneer of financial autarchy. Items 46 to 60 of the Seventh Schedule define financial jurisdiction of the States pertaining to taxes. A cursory glance at these items would unfold the stark reality that the financial resources within the ambit of the States are inadequate to meet the requirements of the people. The taxes within the gamut of the Union fall into four categories ; (i) taxes, the proceeds of which are wholly retained by it and which include custom duties, corporation and wealth taxes ; (ii) taxes,

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<sup>38</sup>K. C. Wheare 'Federal Government' p. 92.

the net proceeds of which are wholly assigned to States and which comprise estate duty, taxes on railway fares and freights, terminal taxes, stamp duty, and excise duty on toilets and medicinal preparations ; (iii) taxes, the net proceeds of which are compulsorily shared with States and which include income-tax ; (iv) taxes the proceeds of which may be shared with the States if Parliament so decides and this category excludes the remaining excise duties, save excise duty on toilets and medicinal preparations. The most valuable source of taxation is customs duty and corporation tax, both of which have been reserved for the Centre.

The division of taxes under item (iii) hinges on the recommendations of the Finance Commission appointed by the ruling party at the Centre. The Commission is also empowered to recommend grants for any special projects to backward States. This manifests the vast powers vested in the Finance Commission.

The gravamen of the States is that there is articulate discrimination in the realm of discretionary grants contributed to them by the Centre as well as in the dichotomy of taxes between the Centre and the States. The dependence of the States on the Centre is not only a departure from the concept of a federal structure, but also encourages irresponsibility in State administrations. It is, therefore, incumbent to divide finances between the Centre and States commensurate with their commitments. Apropos of the observations of the study team of the Administrative Reforms Commission was : "In the States, excessive dependence on the Centre tends to produce irresponsibility and operational inefficiency. At the Centre, dominant financial power in relation to the States give Central authorities exaggerated notions of their importance and knowledge and does not allow sufficient place to the points of view of the States. It is important, therefore, that the degree of financial dependence of the States on the Centre should be reduced to the minimum, because that minimum would be adequate from the point of view of giving the Centre controlling powers in the context of ensuring national integration."<sup>39</sup>

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<sup>39</sup>Report of the Administrative Reforms Commission, Volume I, p. 23.



Alluding to the grouse of the States regarding the allocation of funds to them Indira Gandhi observed on August 15, 1967 : "Our Constitution envisages the formation of Governments by different parties in different States. Today we have Governments of different complexions. They have freedom to follow their own path. It has always been our endeavour to extend the fullest co-operation to them. Sometimes, perhaps in anger or perhaps their helplessness in the face of difficulties, the States accuse us of discriminatory treatment. The charge of discrimination is absolutely baseless. India is one nation. We treat all citizens equally." This plea of non-discrimination is to be evaluated in the light of facts. It is admitted that the inadequate financial resources of the States flow from the Constitutional provisions which have vested important items of revenue in the Centre. There are, however, other items which provide room for discriminatory treatment.

Customs including export duty, corporation and wealth taxes are on the Union list. The Expert Committee, which was appointed to probe into the distribution of revenues between the Union and the States, had received numerous representations from the erstwhile provinces urging provincialisation of some Central items, inclusion of additional Central items of revenue in the divisible list and enlargement of the provincial share in the divisible items. The Expert Committee recommended that the States shall be provided with a share of the corporation tax. This demand was strongly supported by several members in the Constituent Assembly as well as in the Chief Ministers' Conference held in July, 1949. The Third Finance Commission had also admitted that : "All the States have pointed out that, as a result of a change brought in the Income-Tax Act by the Finance Act of 1959, the income-tax paid by the companies is now classified as corporation tax and is thus excluded from the pool of income-tax hitherto available for distribution," and "that this has deprived them (the States) of an expanding source of revenue to which they had hitherto a constitutional entitlement." The Fourth Finance Commission, therefore, pointed out that "due note should also be taken of the States' representation about the need of abating in some measures the loss sustained by them, consequent upon the reclassification of income-tax paid by the companies." Identical recommendations were made

by the Fifth Finance Commission. The significance of the corporation tax can be evaluated from the fact that "the yield of corporation tax has now outstripped that of income-tax (including surcharges of approximately Rs. 110 millions) grossing respectively Rs. 2,220 millions and Rs. 2,180 millions. The superprofits tax is expected to yield another Rs. 200 millions. In other words, leaving aside taxes like wealth and gift tax, the taxes on income are expected to yield a net of over Rs. 4,000 millions a year of which Rs. 1,680 millions only will form the divisible pool. No wonder, therefore, that the States cast a covetous eye on the yield of taxes on incomes and adduce various arguments to bring within the purview of distribution excluded items."<sup>40</sup>

The Centre has turned a Nelson's eye to the persistent demands of the States to secure a larger share of the customs, including export duties to cater for welfare projects of their people. Items 84, 90, 92 and 92-A pertaining to excise duties on tobacco and other indigeneous goods, taxes other than stamp duties on transactions in stock exchanges and future markets and on newspapers and advertisements published therein, on the sale or purchase of goods other than newspapers, which were originally within the purview of the Provincial list under the Act of 1935 were incorporated into the Union list in the Constitution. These together with certain other provisions vesting in the Centre make the federal Constitution unitary in practice.

Article 275 of the Constitution provides that, "Such sums as Parliament may by law provide shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States..." The power of allocation has been accorded to the Finance Commission constituted under Article 280 (3) which provides that "it shall be the duty of the Commission to make recommendations to the President...and evolve the principle which should govern the grants-in-aid of the revenues of the States out of the Consolidated Fund of India." These grants-in-aid are non-plan statutory grants. Such provisions also

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<sup>40</sup>Ashok Chanda 'Federalism in India' p. 243.



exist in the Constitutions of other countries. "The powers of the Federal Government (U. S. A.) to make grants to the States is derived principally from the general welfare clause" and "grants are made to the States in aid of agriculture, vocational education, child and minority welfare, old age assistance, unemployment relief; highway construction and similar functions which though belong to the sphere of the State are deemed to be of national importance, in the programme of Congress." But the Congress has no power to compel the States to accept the Federal grant. The Canadian Constitution also empowers the Dominion Government to make discretionary grants to the Provincial administration. The Australian Constitution provides : "Parliament may grant financial assistance to any State on such terms and conditions as the Parliament may think fit." Australia has, however, set up an independent expert body with representatives from the States to consider such applications. These provisions in the other Constitutions are to be evaluated in the light of what Griffith, a noted American columnist writes : "Here is an attack on federalism, so subtle that it is scarcely realised...Control of economic life and of these social services (viz , unemployment, old-age, maternity and child welfare) were the two major functions of State and local governments. The first has largely passed into national hands; the second seems to be passing. If these both go, what we shall have left of State autonomy will be a hollow shell, a symbol."<sup>41</sup> The Finance Commission in this country is appointed directly by the Centre. As there are no representatives on it from the States, it is likely to carry out the dictates of the Centre. This unfederal-like provision needs modification.

The most fantastic provision in the Constitution pertains to Article 282 which lays down : "The Union or a State may make any grants for any public purpose, notwithstanding that the purpose is not one with respect to which Parliament or the Legislature of the State, as the case may be, may make laws." According to Basu, " 'grants' in the present Article is not identical with 'grants-in-aid' (which expression is used in

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<sup>41</sup>Griffith 'The Impass of Democracy' quoted in Basu's, Commentary on the Constitution of India Vol. IV (1968) p. 305.

Articles 273 and 275 ) but means expenditure. In the present Article, the word has the same sense as in Articles 113(2), 203(2) 204 (2) etc. If Article 282 simply authorised the Union to make grants-in-aid in favour of States, there was no need for Article 282 at all, since Article 275 (1) already confers that power. In fact, Article 282 authorises the Union or a State to make direct expenditure on purposes which are not assigned to it by the federal distribution of powers, provided only such purposes are public purposes.”<sup>42</sup> The ruling party at the Centre has utilised this article by providing funds to the States with a view to bringing them under its tutelege. Ashok Chanda remarks : “Article 282 empowers the Union or a State to make a grant for any public purpose when it falls outside the area of their legislative authority. Though this article appears in the section dealing with ‘Miscellaneous Financial Provisions’, it is being extensively used to regulate financial relations between the Union and the States. Though it was obviously intended to be no more than a permissive provision to meet a situation not otherwise provided, all capital grants to the States by the Union for implementing their respective shares of the Five Year Plans are now made under this article as falling within the scope of ‘public purposes.’ The grants made under this Article are far larger than the total assistance afforded under other provisions governing the ‘distribution of revenues between the Union and the States.’ The technical point has been made to sustain this procedure that capital grant is not a distribution of revenues.”<sup>43</sup> These grants are made on the recommendations of the non-statutory Planning Commission a creation of the ruling party at the Centre. The inclusion of Cabinet Ministers in this body has given it uncalled for importance as remarked by Ashok Chanda : “The organisation of the Commission and its many ramifications confirm the belief that the Commission is *imperium et imperio*...each member of the Commission considers himself as having individual responsibility in regard to the subjects in his portfolio and is inclined to take decision on his own, not unoften, even on such important issues as determination of priorities and allocation of

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<sup>42</sup>Ibid . p. 322.

<sup>43</sup>Ashok Chanda ‘Federalism in India’ p. 185-186.



resources...*Modus Operandi* of the Commission has in effect meant an encroachment of its advisory role into non-developmental activities of the administration...In practice, activities of the Commission have thus come to be somewhat indistinguishable from those of Government.”<sup>44</sup> And it has assumed itself the role of a super-Cabinet. Professor D.R. Gadgil depicts the role of this body : “It is the power complex of the Planning Commission or its members, their natural desire to exercise power and patronage like Ministers that are chiefly responsible for the neglect by the Commission of its main functions and for a needless extension of its activities over many irrelevant fields. The misdirection has been helped largely by membership of the Prime Minister and the Finance Minister of the Planning Commission, which appears to have vested the Planning Commission and its decision with an unnatural kind of prestige and importance.”<sup>45</sup>

K. Santhanam, an architect of the Constitution, has written an interesting commentary on the role of the Planning Commission : “It must be confessed that from the beginning, the Planning Commission assumed that the federal Constitution would not give them any kind of trouble. The only reference I have found in the Planning Commission reports to the effect that India is a federal Government is in these few sentences in the report of the first Five Years Plan. It says, “under the Constitution, India is organised as a federation in which the Central Government and the Governments of the States have their assigned spheres of action. There are certain concurrent subjects in which the Centre as well as the States have to work in unison.” The keystone of a federal system is to allow complete latitude to the States in spheres falling within their jurisdiction.”

The Planning Commission, worked on the thesis that the conditions prevalent in all the states were analogous, necessitating identical financial and administrative policies. It must be borne in mind that 90 per cent of the total expenditure in the first Plan and 65 per cent in the second related to matters assigned to the States. According to him, the Planning Commission has formed the National Development Council as the machinery to

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<sup>44</sup>Ashok Chanda, ‘Federalism in India’ p. 271.

<sup>45</sup>D. R. Gadgil ‘Planning and Economic Policy in India’ p. 108.

secure the co-ordination with the States, which is neither a statutory body nor has any constitutional basis. "It is an ad hoc improvised body, but a convention has been established that its decisions will be binding on the Government of India and the States. I may just give one illustration. The other day I referred to the surrender by the State Governments of their sales taxes on textiles, sugar and tobacco. Normally, this would be a major constitutional issue because they were taxes which have been assigned to the States. Under normal federal political conditions, there would have been discussion in every State legislature and in the Press, as to whether the States should surrender or not. I believe the decision to surrender these taxes and substitute them by additional excise duties was taken at a single sitting (of National Development Council) at which many of the Chief Ministers had not even fully consulted their own Cabinets. Actual facts are not known as they are necessarily State secrets, but this is the kind of impression which the public have got because no attempt was made to canvass the opinion of the State legislatures and there was no discussion in the Press. I do not suggest that the States have suffered. It has already been pointed out that the States have gained eight crores of rupees. Still, from the constitutional point of view, it was a major decision to take. (The position of the National Development Council has come to approximate to that of a super-Cabinet of the entire Indian federation, a Cabinet functioning for the Government of India and the Governments of all the States)."<sup>46</sup> The powers arrogated by the Planning Commission and the dependence of the State administrations on the Centre has completely negated the federal spirit of the Constitution.

The hegemony of the ruling party over finances has become a handmaid for detracting autonomy in the States, who have been virtually reduced to surrogate status. The dependence of the States on the Centre for financial aid is manifested in the chart below. It will be evident that aid in the form of loans outstrips that given as grants.

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<sup>46</sup>K. Santhanam 'Union State Relations in India' p. 46.



Transfer of Resources from the Centre to the States (total).  
(Rs. in crores)

RESOURCES MADE AVAILABLE BY THE CENTRE

<i>Year</i>	<i>Shared taxes</i>	<i>Grants</i>	<i>Loans</i>	<i>Total</i>	<i>Total expenditure of states</i>	<i>Percentage of central assistance to total expenditure of states.</i>
1951-52	52.9	33.9	73.3	160.1	543.0	29.4
1955-56	81.4	48.2	261.9	391.5	912.0	42.9
Total First Plan	352.5	214.8	822.4	1389.7	3351.0	41.4
1960-61	179.0	224.1	338.6	741.7	1478.3	50.3
Total Second Plan	710.1	700.4	1423.2	2833.7	5845.9	48.5
1965-66	276.1	348.4	821.4	1445.9	2823.0	51.2
Total Third Plan	1196.0	1302.9	3101.4	5600.3	10719.5	52.2
1967-68	415.7	479.0	877.5	1772.5	3221.0	55.0
1969-70	626.18	530.80	1029.49	2186.49	4351.25	50.0
1970-71	750.67	555.46	1020.44	2326.57	4839.82	49.9
(approximate) <sup>47</sup>						

The aforesaid table projects the upswing in financial assistance in the shape of grants and loans which was 29 per cent in 1951-52, 48.55 per cent in 1960 and 50 per cent in 1970-71. The relative share of loans was 47.3 per cent in 1970-71. This bears out the knuckling of the States under control pressure and the obliteration of the little autonomy provided to them under the Constitution.

The White Paper pertaining to a federal form of constitutional reform prior to the Government of India Act 1935 recommended that, "in the Constitution by the federation of separate political units and providing for the distribution of powers

<sup>47</sup>Quoted in Subrato Sarkar 'The Centre and the States' p. 103.

between the central legislature and executive on the one hand, the legislature and executive of the federal units on the other, a Federal Court has always been recognised as an essential element." Its jurisdiction was confined to disputes between the Federation and Provinces, and to appeals from High Courts involving constitutional questions. The Supreme Court under the present Constitution is vested with jurisdiction in disputes : "(a) between the Government of India and one or more States ; (b) between the Government of India and any State or States on one side and one or more other States on the other ; or (c) between two or more States." Appellate jurisdiction involves "substantial question of law as to the interpretation of the Constitution." But it also covers civil and criminal matters. This is repugnant to federalism. Such appellate powers in civil and criminal matters are not vested in the Supreme Courts of the U.S.A., Switzerland and Australia. The Federal Court in Switzerland has been vested with jurisdiction over civil law disputes between the Confederation and the Cantons or between two Cantons. The Australian Constitution vests powers in the High Courts to probe into in dispute between the States or their inhabitants. The Supreme Court in the United States of America has no civil or criminal jurisdiction over the decisions of the High Courts in the States. It is, therefore, crystal clear that the Constitution in this country is not only unfederal but has complete veneer of unitarianism.

In the U. S. A., the President ensures that the Supreme Court is a cross-section of judges representing the various regions and religions. The different linguistic groups are represented in the Federal Tribunal in Switzerland. In the Supreme Court of our country, the representation of judges from the different religions, groups and regions has been imbalanced. The Sikhs have been denied a seat for two decades on this august body. It is only recently that one sikh Judge has been appointed. It is the majority community that has been riding high on the judicial pedestal and thus giving it an unsecular look.

Article 218 read in conjunction with Articles 124 (4) and (5) provides that a judge of the High Court cannot be removed "except by an order of the President passed after an address of each House of the Parliament supported by a majority of not



less than two-thirds of the members of the House present and voting,” on the plea of his proved misbehaviour or incapacity.

The unseemly features of the Constitution are that neither the State Legislature has any jurisdiction over judges nor has the State Government any say in the appointment of the acting Chief Justice of the High Courts. These powers are reposed in the President under Articles 223, 224 and 224-A. These Articles are the antonyms of federalism.

In the Constitutions of other countries, unlike Article 312 of the Indian Constitution, the Central and State Governments have their separate public services. This Article empowers the ruling party in the Centre to get the Council of States declare by a resolution, supported by not less than two third of the members present and voting, “that it is necessary or expedient in the national interest to do so, Parliament may by law provide for the creation of one or more all-India services common to the Union and the States, and, subject to other provisions of this chapter, regulate the recruitment, and the condition of services of persons appointed, to any such service.” This Article enabled Parliament to enact an all-India services Act of 1951 which was applicable to the I. A. S. and I.P.S., and subsequently extended by an amendment in 1963 to the Engineering (Irrigation, Power, Building and Roads), Forests, Medical and Health services. The provision does not provide for any consultation with States or taking their advice in matters pertaining to recruitment and condition of the aforesaid services. This provision which was absent in the Draft Constitution was subsequently incorporated in it. The study team of the Administrative Reforms Commission stated : “In a federal set up to have an all-India service that serves the needs of the States but is controlled ultimately by the Union is an unusual feature.” It seems unfair that the Union Government unilaterally enhances the salaries of such officers from the States’ exchequer.

A feature of federalism is that in one of the Houses of Parliament, the States should have equal representation, irrespective of size or population. This is so in the Upper Houses of the U.S.A., the Soviet Union, Australia and Switzerland. Canada is an exception with a nominated Senate, the members holding office for life. Equality was jettisoned in the Act of

1935 partly due to the bugbear of the Council of States being swayed by the Princely States and partly to retain the unitary form of Constitution. The principle of equality was not incorporated in the Nehru Committee Report of 1928. The present strength of 250 members of the Rajya Sabha (Council of States) is distributed according to populations of the States, and is as such at variance with the practice followed in the Constitutions of other countries.

Item numbers 1 and 2 of list II of the Seventh Schedule of the Constitution provide, "Public order (but not including the use of naval, military, or air force or any other armed force of the Union in aid of the civil power) and police, including railway and village police," as State subjects purely within the ambit of the powers of the States. Although safe custody of property falls within the realm of States, the Centre is maintaining a sizeable armed police force to protect its properties lying within the jurisdiction of the States. It is thus an instance of encroachment on the domain of the States. The total expenditure by the Union government on its police set up during 1970-71 was :

A) Central Police Forces	Rs. 75.27 crores of which
(1) Border Security Force	Rs. 42.50 crores.
(2) Central Reserve Police	Rs. 26.57 „
(3) Central Industrial Security Force	Rs. 1.09 „
	—————
Total	Rs. 70.16 crores.
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B) Police forces for Union Territories.

Rs. 22.74 crores.

Total central expenditure on police (rupees in crores, 1950-51, 3.0 ; 1955-56, 4.2 ; 1960-61, 11.7 ; 1965-66, 31.8 ; 1966-67, 48.0 ; 1967-68, 61.3 ; 1968-69, 70.6 ; 1969-70, 86.3 ; 1970-71, 98.01.”<sup>48</sup>

The expenditure towards the Intelligence Bureau was Rs. 6,89,50,000, with 50 per cent increase during the last five years. Such heavy expenditure on the armed police by the Centre is repugnant to federalism, specially when law and order

<sup>48</sup> Quoted from "The Centre and the States" by Subrato Sarkar, p. 153.



lies within the domain of the States. It was in this context that Jyotirmoy Bosu, a prominent M. P. stated during the symposium on Centre-State relations in May 1970 that "the Centre has not been given any extra-territorial immunity like the foreign embassies for its properties and employees within a state. They remained subjects of the State laws as any other citizen or his property."

Article 327 empowers the Parliament : "by law make provisions with respect to all matters relating to, or in connection with elections to...either House of Legislature of a State including the preparations of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses," and this provision read with Entry 72 of the Union list under the Seventh Schedule makes the powers of the legislature under Article 328 pertaining to elections to State legislatures illusory. The unitarianism of the Constitution is evidenced from the fact that a single centrally controlled Election Commission supervises over elections to State Legislatures.

The federal set-up of all countries, excepting India, accords adequate representation to the States in the Central Executive. In a multi-religious, multi-linguistic, multi-racial and multi-cultural State like India, it is in conformity with federal principles to afford each State culture and religion proper representation in the Central Executive. There has been a general plaint by the Opposition parties against the absence of such representations on the Central Executive. It is a stark reality that some favoured States have had representations on the Central Executive *ad infinitum* at the expense of other States which have been *in absentia* for long spells.

There is a general feeling that the ruling party exercises powers in a discriminatory manner. Punjab's grouse is that the Centre not only puts its fingers on its routine administration, but has accorded cindrella like treatment as far as location of Public sector heavy industries are concerned. The investment on the public sector heavy industry in Punjab under the four Five-year Plans has been the lowest, *per capita*. Punjab's share of industrial licences granted in the country was merely .04 per cent in 1969 and 3 per cent in 1970. As far as financial assistance by the Centre for the period 1948-67 is concerned, Punjab

secured only 1.9 per cent from the Industrial Finance Corporation, 0.1 per cent from the Industrial Credit and Investment Corporation and 0.8 per cent from the Industrial Development Bank of India of the total investments disbursed by them. This shows the discriminatory treatment accorded by the Centre to a frontier State which has faced the brunt of the enemy attacks during the three Pakistan Wars.

As stated above, the interposition of the Congress party at the Centre in affairs falling strictly within the jurisdiction of non-Congress parties, has often led to dissonance. The big wigs of the ruling party at the Centre have, by mollicoddling defectors, been instrumental in the fall of many coalition ministries at State levels subsequent to the General Election of 1967.

This is exactly what happened in Punjab in June, 1971 when defections were fostered by ingratiating a break away and holding the lure of high office to the leading apostate for maintaining fissures in the Akali Party during the General Elections. He had been rewarded with a plum ambassadorial post. The ruling Congress party made a bid to desecrate the reputation of the Akali party by appointing 'One Man Commission' to probe into flimsy charges concocted against the erstwhile Akali and Jana Sangh Ministers, which were incidentally sponsored by the Local Vidhan Sabha leader of the C. P. I. which is constantly hanging on to the apron-strings of the Prime Minister and by an Akali renegade who defected to the Congress. Later discord between the Akali defector and State Congress Chief brought to light their secret negotiations in this regard. The State Congress Chief proudly exhibited photostat copies of two cheques of Rs. 10,000/- each, paid to the Akali defector for toppling the Akali Ministry and for pursuing the charges against the erstwhile Akali Minister before the 'One Man Commission' at Delhi. The Akali defector on this retorted, "that he had neither been bribed for toppling the Akali Ministry nor paid to file a memorandum against the Akali Minister." He added that the memorandum was prepared by him in consultation with the Congress High Command which had later asked the State Congress to be a party in the case and assist him in pursuing it before the Commission by meeting the financial liabilities.... The funds were given to him after the



telephone instructions of the Prime Minister in this regard,"<sup>49</sup> he added.

Such exercise of power, which is unprovided for in the Constitution, is patently discriminatory specially in view of the arbitrary dismissal of the documented charges instituted against Bansi Lal, Congress Chief Minister of Haryana, by 120 members of Parliament and by a large number of State Legislators. Besides, it involves a flagrant violation of the concept of federalism. This exercise of power under Article 355 is aptly commented upon by Ashok Chanda : "Doubts have been expressed whether in view of his interpretation the Prime Minister has any constitutional authority to prefer advise to the President on a matter exclusively within the competence of State Legislature, and whether the use of the Commission of Inquiry Act is proper to order an investigation into the conduct of a Chief Minister presumably, to judge his suitability for continuance of office."<sup>50</sup> The Chief Minister of the D. M. K. Party in Tamil Nadu assumed a hard nosed posture when it was rumoured that the Centre would appoint a Commission under the Inquiry Act of 1952 to probe into charges against his Ministers based on complaints of the renegades in 1972. M. Karunanidhi, Chief Minister of Tamil Nadu, averred in a statement to the Press that : "There is no provision in the Constitution which makes the State Cabinet accountable to the Union," and added, "it would be subversive of the entire scheme of the Constitution and system of responsible Government if a State Cabinet is sought to be subjected to a Commission of enquiry constituted by the Union." Elaborating this further in a letter to the Prime Minister, he said : "Our Constitution is not unitary, but federal in frame-work, the essence of which is that the constituent States are not subordinate to the Central Government, each State being autonomous within certain defined limits. Further, as you are aware, every State has parliamentary system of Government and the Cabinet is collectively responsible to the Legislative Assembly of the State. There is no provision in our Constitution which makes the State Cabinet accountable to the Union and as such it would be subversive of the entire scheme

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<sup>49</sup>'The Tribune' dated 22 April, 1973.

<sup>50</sup>Ashok Chanda 'Federalism in India' p. 130.

of the Constitution and the system of responsible government if a State Cabinet is sought to be subjected to the Commission of inquiry constituted by the Union.”

It was in the backdrop of these cleavages between the Centre and the States that prompted the non-Congress leaders to press for re-examination of the constitutional provisions pertaining to Centre-State relationship. Dr. C. N. Annadurai, Chief Minister of Tamil Nadu, speaking in his State Legislative Council during the budget discussions, in June 1967 said, “.....I would ask the honourable members of the House to bear in mind that there are three kinds of financial relationship of the State with the Centre. One is through the allocation of the taxes that they collect here, the second is the grant and the third is the Plan fund allocation. If you deeply analyse the figures from 1950 to 1967, you will find that as the days roll on the first two items are losing their importance and the third item, namely, the Plan allotment is gaining much ground or gaining much dominance. That does not come under the purview of the Finance Commission. The Centre has got a whip in its hands in the nature of grants, because the grants are given by the Centre at its discretion. The Plan allocation is left entirely—if you will permit me, I will say entirely—to the whims and fancies of those who call themselves Members of the Planning body.” He pleaded for appointment of a Commission to reassess the Centre-State relations in view of the dissonances between them. He said, “I would reiterate from this House that the time has come and come urgently too and with emphasis—none can minimise that the time has now come—when the States-Centre relationship should be reorganised on a more stable basis.” The other members of the Madras legislature were behind him in this demand. The Tamil Nadu Government thereafter appointed a committee in September 1969 comprising Dr. P. V. Rajamanner, former Chief Justice as Chairman and two other members “to examine the entire question regarding the relationship that should subsist between the Centre and the State in a federal set-up, with reference to the provisions of the Constitution of India, and to suggest suitable amendments to the Constitution so as to secure to the State the utmost autonomy.” The Committee in its Report on March 10, 1971 recommended drastic changes in the Constitution to bring it into line with federalism.



The then Chief Minister of Mysore also disclosed the bitter deterioration in the relation between the Centre and the States. He entered a caveat in November 1970 by stating that the House and Bhawans of the States in New Delhi might assume the trappings of embassies. This was evidently a fig-leaf implying that the country was on the road to disintegration and that the States might soon claim sovereignty.

The Shiromani Akali Dal, representative organisation of the Sikhs, passed a resolution on September 30, 1968, stating : "This conference of Shiromani Akali Dal strongly feels that great changes have come in the political field of the country during the last 20 years and, as such, new considerations have cropped up, necessitating reconsideration of the Central-State relationship under the changed conditions. Many non-Congress Governments have come in several states of the country and the Congress party in power has abused the Constitution to the detriment of the non-Congress Governments and uses its power for its party interests. Therefore, it has become necessary in the light of the experience gained that the Constitution of Bharat should be reconsidered and changes made in the Central-States relationship to fit in with new conditions."

"The Shiromani Akali Dal demands that the Constitution of India should be on a correct federal basis and that the States should have greater autonomy. The Shiromani Akali Dal feels that the Central Government's interference in the internal affairs of the States, and the obstacles it places in the proper functioning of the State machinery, are detrimental to the unity and the integrity of the country; therefore, where this Conference demands of the Central Government that necessary changes should be brought in the Constitution there it also appeals to the State Governments to raise their voice to protect and safeguard their rights so that the country may be able to go smoothly on the federal system and progress by maintaining unity and entity."

A political dialogue has also touched off in Kashmir between the Central Government and Sheikh Abdullah and the out-lawed Plebiscite Front leader and has caused many eye-brows to lift when he (Afzal Beg) spelled out after his release in April 1972 that the Kashmir situation should be resolved bilaterally between Delhi and Srinagar on the basis of internal autonomy

without intervention by Pakistan. Sheikh Abdullah's statement published in the 'Times' London on March 10, 1972, was significant when he remarked : "Our quarrel with the Government of India is not about accession, but about the quantum of autonomy." According to Karra, another Kashmir leader, this declaration of Sheikh Abdullah provides the basis for talks between the two leaderships. Sheikh Abdullah further clarified this in his reply to an address of welcome presented to him by the Srinagar Municipal Council on December 9, 1972 that there should be division of responsibility between the Centre and the State in so far as : "Defence, Foreign Affairs and Communications with the Centre and freedom for the State to shape its own house in accordance with its own desires." "I want to make it clear," he said, "that there is not going to be any bargaining on our part." A large number of public men including Mohd. Sayed, the Works Minister and Afzal Beg, former President of the banned Plebiscite Front attended the meeting. Afzal Beg backed up Sheikh Abdulla's stand to uphold the Constitution adding, "in terms thereof, (Article 370) the issues of Union with India and internal autonomy for Kashmir as part of the Union are inter-dependent and inseparable. We foresee a Constitutional structure in which each region will enjoy maximum freedom without fear of domination of one region over the other."<sup>51</sup> The present talks are in this context.

The feverish situation that prevails in this heterogeneous country calls for a political dialogue on the federal character of the Constitution.

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<sup>51</sup>'The Tribune' dated 13th January 1973.



## CHAPTER V

# *NATIONALITIES IN INDIA : THE PROBLEM*

There have been certain momentous developments in the Indian subcontinent during the last two and a half decades. The earlier evolutions related to the genesis and growth of the different nationalistic forces. The concomitant cultural and religious revivalism of the two major nationalities living together on the sub-continent reached a flash-point in the eclipse of the old imperial British India, and out of its womb emerged the virgin countries of Pakistan and India. Contemporaneous with Partition was the welter of communal anarchy leading to a genocide unparalleled in history and organised eviction of the minority groups. There is no gainsaying the fact that the bloodbath was churned by the power lust of the political leadership.

The genesis of Partition was aptly described by a Pakistani industrialist to L. F. Rushbrook Williams, a noted writer, and Foreign Minister of the erstwhile State of Patiala : "For a long time, I personally thought Pakistan an unsound idea; but gradually I became convinced that it was the only way of giving Muslim interests a fair chance. To my mind, the trouble was social rather than religious. Hindus and Muslims each have their own social system : people on each side are clannish, tending to stick together. Hindus had the monopoly of such key-pursuits as banking and finance : they kept Muslims out. In other branches of commerce, textiles for example, Muslim businessmen found entry difficult. Much the same thing held true of the administration; there were few Muslims in high positions. So, Muslim businessmen and Muslim officials who had many contacts, used their influence to mobilise opinion in favour of the creation of a homeland for Muslims, where Muslims as such would not be handicapped, and would have

a fair field for their energies. But from the view point of Muslim masses, it was the religious factor which counted most."<sup>1</sup> The *raison d'être* for the Partition was cultural, religious and economic which even today persist with a vengeance in the sub-continent.

The vivisection of the country had set the seal on recognition of Muslims as a separate nation. As a sequel to this, Jammu and Kashmir State at the time of accession, was accorded a special status in the Constitution of India. The Indian leadership, however, liquidated that status by resiling from their commitment. The tension in this frontier State, which assumed international trappings, will rage until the status granted to it at the time of accession is restored. The demand has been blowing hot and cold for the last quarter of a century without reaching a solution. It had also figured prominently in the numerous debates at the forum of United Nations. This burning problem is not to be viewed in isolation in that it pertains to the predominantly Muslim State of Kashmir, but it is synonymous with the demands of other minority groups who are keen to preserve their religion, culture and language. This has, however, focussed international attention because of the intervention of Pakistan on behalf of their co-religionists in Kashmir during the three wars fought with that country in the post-partition period. The Centre and the State leaderships are endeavouring to resolve the Kashmir problem, but its solution will not solve the minority problem in the country. The Muslim problem is not only confined to Kashmir but is applicable to most other States where they (Muslims) constitute a sizable minority and are constantly crying for preservation of their religious and cultural rights. In a country which boasts of democracy, a Muslim citizen should not only have liberty of thought, expression, belief and faith only but also equality of justice, status and opportunities in the political, economic and social spheres. The Muslims, however, consider that they have been reduced to the status of second class citizens, their loyalty to the country is always held in doubt, there is overt discrimination in employment in Government services, they are viewed with indifference and prejudice in the realm of commerce, they

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<sup>1</sup>L. F. Rushbrook Williams 'The State of Pakistan' p. 23-24.



are kept out of the sensitive services such as defence and internal security services and lastly they are subjected to arson and murder during communal blood-baths. Even their personal security is in jeopardy during any Indo-Pakistan tension. Some of the grievances of the Muslims may not be genuine, but there is no gainsaying the fact that this nationality has been airing its complaints intermittently. Problems of the minorities in the country confront the leadership. It is not enough to provide show boys from the minority communities with a handful of plum jobs at the Centre and State levels to hoodwink the world that India is a secular State. Their status in the administration of the country is glaring illustration of the treatment being accorded to them. This has been revealed by a noted patriotic journalist, Inder Malhotra : "But when all is said and done, there can be no escape from the stark reality that the share of Muslims in public employment is abysmally low. Up-to-day figures are, alas! not available. But it does seem shocking that in 1965 there should have been only 111 Muslims out of more than 2100 I. A. S. officers; around a dozen Muslims out of 270 members of the Indian Foreign Service and a mere 43 Muslim Officers out of 1200 in the Indian Police Service. I am doubtful if the position is much better today because in 1972, only one Muslim-precisely one-got selected for the three All-India Services.

"Immediately after 1947, it was unfortunately true that Muslim youngmen, leave alone Muslim young women, were not coming forward to appear in competitive examinations. But with a quarter of a million Muslim students in colleges to-day out of over three millions-it is impossible to believe that sufficient bright and ambitious Muslim candidates are not around."<sup>2</sup>

The writer of the article, of course, commends the procedure of selection to All-India Services by the Union Public Service Commission as fool-proof. The minorities have, however, their doubts about the impartiality of the Commission due to inbuilt prejudices of individual members, yet he poses the question in all its pointedness : "but what is one to say about the Central Secretariat Service in the case of which the executive authority has much greater discretion both at the stage of

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<sup>2</sup>The 'Illustrated Weekly of India' on April 22, 1973.

recruitment and subsequent promotion. Incredible though, it may seem, according to the latest available statistics (1965), there were only six Muslim officers in the two top grades of the CSS out of 688. In the next grade, there were only four Muslims out of 200. As if this is not shocking enough there were only 21 Muslims out of 9,000 clerks. Who can blame the Muslims for feeling that some deep-rooted prejudice is at work against them." Further, "There are two other aspects about Muslim grievance about jobs, one rather subtle and the other extremely crude. Both are however, equally hurtful. To take the crude one first, as a matter of deliberate policy the Government has been virtually excluding the Muslims from what are called 'sensitive and strategic services' such as certain sections of the armed forces, some departments of the police, especially intelligence, and the like. Since 1970, there seems to have been some change in this policy but not enough. The relatively subtle goings-on are best typified by the fact that, on at least two different occasions in recent years, when the post of Foreign Secretary was about to fall vacant, it was openly said in the corridors of the Foreign Office that Muslim officers in the highest echelons of the service were ruled out for selection for the job."

He admits that deep feelings persist amongst the Muslim minority that it is also discriminated against in the matter of industrial licenses and business opportunities. He writes, "a Muslim Minister in a Congress-run State swears that free India's first Industries Minister, the late Shyama Prasad Mukherjee sent round a circular that industrial houses should not give employment to 'Pakistanis and potential Pakistanis', whatever the latter expression might have meant. To be sure, the circular was later withdrawn, but the damage done by it persists."

A former Muslim M. P. from U. P. said : "We proudly tell the electorate that the Congress stood for the minorities and, as proof, point out that the Vice-President of India, the Foreign Minister and the Ambassador to the United States were, for instance all Muslims. But pat comes the retort from the audience; tell us how many Muslims are employed in the local collectorate ? The result is that the Muslim votes generally went against the Congress and almost all its candidates to the Lok Sabha from Western U. P. were defeated."

Sikhism likewise is a distinct religion which has produced



a virile people with their own historical background, language and traditions. The bitter struggle launched by them for almost two decades for the Punjabi Suba and its attendant martyrdom, conjures in the minds of people that there is a race which cannot be overwhelmed by brute force. Perhaps resistance to the demand of carving out such linguistic State was an impression in the ruling clique then that the Sikhs who ruled the north-west part of India and were the last and the most formidable to stand up militarily against the British conquerors might claim sovereignty again through the medium of the Punjabi-speaking State. It was this suspicion of the Sikhs that persuaded the vast majority of the Hindus to stoutly oppose its acceptance of Punjabi as State language. A section amongst the Sikhs complains that the "Sikhs have been systematically reduced to sub-political status" even in Punjab, their homeland, and "to an insignificant position in their motherland, India." They claim that they can establish "before an international tribunal, uninfluenced by the present Indian rulers, that the law, judicial process and executive action of the Union of India is consistently being weighed against the Sikhs." Therefore they demand "a self determined political status within the Republic of the Union of India" in the interest of their self-preservation. Another section led by Sant Fateh Singh demanded as far back as 1968, as discussed earlier, "that the Congress party in power has abused the Constitution to the detriment of non-Congress governments and uses its power at the Centre for its party interests." Therefore, "the Constitution of India should be on a correct federal basis and that the States should have greater autonomy." This is indicative of unanimity amongst the Sikhs that the political structure of the country calls for a review against the background of experience of its working during the last quarter of a century. They look upon Punjab, which lies on the fringes of Pakistan and Kashmir, as their homeland. The echo in the States of Kashmir and Punjab for greater autonomy evokes widespread sympathy. It may be mentioned in this context that the cacophony of voices raised by a microscopic caucus of Sikhs led by Dr. Jagjit Singh, a former General Secretary of the Shiromani Akali Dal for an independent Sikh State, has come home to roost on Hindu communalism.

The four linguistic groups of Tamil, Kannada, Telugu and

Malayalam in the four southern States are equally vociferous about their distinct nationality not only based on separate languages but also different cultures. The Hindi imperialism involving the movement to impose Hindi and Hindi culture throughout the country has sown the feelings in these linguistic and cultural groups that the Hindi movement is a movement of assimilation and absorption of their cultures. This incubation of regional nationalism in the southern States of Tamil Nadu, Kerala, Karnataka (Mysore) and Andhra Pradesh where there is a burning desire for secession, which presently is hiding its head, the present pose of the DMK which is in the saddle in Tamil Nadu, are factors which have to be given serious consideration before they assume untractable proportions and strike at the achilles heel of homogeneity.

The creation of new States in the eastern region of the country is a living testimony of the prevalence of heterogeneity. There was much witch-hunting in this border region which was aglow with religious, cultural, linguistic revivalism, when soon after 1949, Phizo with Naga support demanded independence. Similar demands were expressed by other tribes.

The pressing need for arriving at a solution of these tribal people was debated in the Constituent Assembly but brushed aside on the ground that the Sixth Schedule of the Constitution took care of such a need. The Sixth Schedule which provides for the administration of the tribal areas in Assam, demarcates them into parts 'A' and 'B'. Part 'A' empowers the Governor to split a district into autonomous tribal regions. The Schedule also caters for districts with limited powers under part III relating to allotment, management and use of the land etc., as well as criminal and civil powers in district Governments. This, however, did not fulfil the aspirations of the tribal people who are aspiring for independence. The malady raged and assumed the eruption of a civil war in both the Mizo Hills and Nagaland.

The Bardoloi Sub-committee was appointed to probe into the claim of autonomous States by the tribal people. The report, which admitted that the hill tribes were not found wanting in political consciousness, said, that "perhaps not without instigation by certain elements, this consciousness has been instilled by the idea of independent status and external relations



with others which should be governed by treaty or agreement only.” This committee which rejected the demand of a separate State, however admitted the prevalence of the tribal organisation as well as belief in religious and social customs. The Khasis and Garos had the matriarchal system, the Lushais hereditary chiefs, and the Nagas an elected council of elders called ‘Tatar’. The laws differed with each tribe. Christianity had made considerable headway amongst the Lushais, Khasis and Garos but a considerable number of the hill people followed an animistic form of worship.” The Committee also felt that there is the fear of exploitation by the people of the plains on account of the free organisation and experience of business.

It suggested a separate financial provision for the District Councils specified in the Sixth Schedule. District Councils were brought into being, but yet the recommendations of the Subcommittee were not fully carried through. The Nagas and Mizos spurned the District Councils.

Within three years, the hills tribes of the Khasis, Jantia, Garo, Mizo and Kutch Hills assembled at the cultural capital of Taura where the Assam Hills Tribal Union demanded separate State.

The States Reorganisation Commission, 1955, presided over by Fazal Ali, admitted that “the inner line regulation in the pre-independence period, although it was ostensibly intended to discourage interference with and economic exploitation of the tribal people, was administered rigorously so as to exclude all contacts between them and the inhabitants of the plain district. The demand for a tribal State is partly a hang over of this policy... . The creation of the new hill State will, in our opinion, accentuate these distinctions. It will, therefore, prove in the long run against the interest of the Scheduled Tribes.” The Commission recommended : “that hill districts, therefore, should continue to form part of Assam and no major change be made in their present constitutional pattern.”

The adoption of Assamese as the State language in the State Legislative Assembly in 1960 evoked bitter protests from the tribals who called it “Assamisation of our culture.” This led to the forming of the All-Party Hill Leaders Conference, which claimed a separate State for each cultural entity. Several deputations met Prime Minister Nehru and efforts were made to

evolve a regional formula on the pattern prevailing in Punjab with a view to meeting the requirements of different units. The hill leaders, however, maintained that the Punjab or Scottish pattern of Government was not adequate to meet their requirements. They, therefore, convened another conference in April 1964 which reiterated that the creation of a separate hill State would be the simplest, best and final solution to the problem of the hill people." Nevertheless they had no objection to the appointment of a Commission to work out details for the implementation of the Prime Minister's offer of full autonomy as stipulated in the Scottish pattern.

The Pataskar Commission was set-up in 1965 to evolve "A detailed scheme for reorganising the set-up of the hill areas. The Commission will also recommend the administrative, financial and legal measures for giving effect to the scheme. It will also consider whether, in the light of the scheme which it may suggest for the administration of the hill areas, it is necessary to make changes in the powers and functions of the district and regional councils constituted under the Sixth Schedule of the Constitution and recommend, after examining the working of the district and regional councils, whether changes, if any, should be made in the Schedule."

The Commission made recommendations for the grant of a "large measure of autonomy." This was rejected by the conference of the Hill People, which reiterated its demand for separate States. The meeting of the All-Party Hill Leaders Conference resolved to boycott the 1967 General Elections and simultaneously launched a programme of non-violent action by the end of the year. Apropos this a series of meetings took place in January 1967 between the Prime Minister, the Union Ministers, the Chief Minister of Assam and the representatives of the All-Parties Hill Leaders Association. An announcement was subsequently made accepting the demand for reorganisation of Assam on cultural, religious and ethnic grounds. This was followed by the creation of the virgin States of Nagaland, NEFA, Manipur, Tripura and Meghalaya and the attendant closure of an awesome era of uncertainty and doubt.

Nagaland and its surrounding areas are a mosaic of the Naga Hill District of Assam and the Tuensang Frontier Division of the North East Frontier Agency (NEFA). This mountain



State, which is the smallest in the country, covers an area of 6,236 square miles with a population of 3.7 lacs. It is encased in the Brahmaputra Valley with its 1,000 hamlets and a predominantly highly literate Christian population. The Centre has readily recognised the distinct culture of this State. It can correctly be called a Christian State in the Indian Union.

NEFA is made up of the districts of Kameng, Subansire, Siang, Lohit and Tirap covering an area of 31,438 square miles with a population of 3,36,558. It is the home of the Monpas, Akas Khambas and Moyas. These tribes, which speak about 50 different dialects possess a common religion, culture and social customs. The recognition of the district identity of the State is a happy feature in the political landscape of the country.

Manipur with a population of 98,00,876 spelling over 8,628 square kilometres is a strategic pocket situated in the North-East Frontier. It is inhabited by about 40 tribes with a culture of their own.

The 41 tehsils of the strategic district of Tripura, with its headquarters at Agartala, sprawl over 1,068 kilometres. This frontier district has a uniform culture.

Meghalaya, which culturally, religiously and ethnically has a distinct identity of its own covers an expanse of 86,706 square miles with a population of 93,30,000.

It is a fact that all these hill tribes were relentlessly exploited for two decades by classes with a culture and religion different from theirs. After a storm heavy weather, the Government caved into the pressures for separate hill States. It is edifying to note that the administration of these nascent States has been streamlined ever since their inception.

## II

To come back to the Muslims, it may be pointed out that the vivi-section of the country has not totally cleaved the two parts asunder. The nexus of interest between the two is so deep that any movement in one can have an immediate impact on the other. Religious and linguistic disputes have made a major dent in both the countries. Pakistan which itself is a creation of religious nationalism is confronted with linguistic issue as the cry of Pakhtoonistan which has been a live issue

for two decades. Khan Abdul Ghaffar Khan, the octogenarian leader, once affectionately called in India Frontier Gandhi, has been the leader of the movement, and is reported to have said during his self-exile in Afghanistan in 1969 : "I am looking forward to the time when free General Elections will know which way my people are going and whom do they follow. This is the main conflict between me and the rulers of Pakistan."<sup>2A</sup> This claim has been borne out by the election held in December, 1970 when the National Awami Party led by Wali Khan, son of Abdul Ghaffar Khan, swept the polls both in Baluchistan and the North-West Frontier Province, where it was able to form a Ministry also. With Daud Khan, coming to power through a coup in Afghanistan, the movement for full autonomy has gained strength which is symbolised by the sporadic troubles in the area against the Pakistan rulers after the dismissal of the National Awami Party Ministries in the two States. This has compelled Wali Khan to say, "We are on the breaking point."

The problem of Baluchistan is basically integration of a pre-medieval tribal society into a modern State. Even during the British era, the tribal people of Baluchistan were left to themselves to be governed by their leaders in conformity with their traditions. Strenuous efforts have been made to bridge the chasm between Baluchistan and Pakistan and this move has led to a rumpus in the tribal areas. Khan Bakshi Marri leader of the National Awami Party in Baluchistan, has stated that the Baluchis, "are a separate nation who will not brook a democracy where the brute majority was imposed on all." Marri, addressing a public meeting at Sibi, demanded formation of provinces on the basis of nationality and not on economic and administrative considerations. He is reported to have said, "We do not belong to one nation. We have our own culture, civilisation, tradition and language and as a smaller nationality we are not subservient to the bigger nationality." He spelled out further that every "nation and nationality has a right to take a separate decision", adding, "if Punjab did not accept Bengal and Sheikh Mujib's majority, why should we accept the majority of Punjab and Mr. Bhutto." *The Pakistan*

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<sup>2A</sup> Khan Abdul Gaffar Khan 'My Life and Struggle' (narrated by K. B. Naurang) p. 243.



*Times* reported that Ghaus Baksh Bizenjo, once Governor of Baluchistan, has warned the Centre to refrain from interfering in the internal affairs of the provinces, adding "if the Government of Baluchistan did not remain safe, the Government of Punjab and Sindh could also not remain safe."<sup>3</sup>

The creation of the sovereign State of Bangladesh was brought about by the Bengali Muslim dissenters in East Bengal who were the main protagonists of the Awami League. It would not obscure the fact that the dissenters who became freedom fighters for the liberation of East Bengal from the Pakistani yoke were, by heredity, a docile people who were prone to complacency. The War has borne out the fact that a people possessed of zeal and devotion and inspired by a noble urge can go through thick and thin together. It was the following six points programme of Sheikh Mujib-ur-Rehman that carried the total support of 75 million people of East Bengal. The six points were :

1. The Constitution should provide for a federation of Pakistan in the true sense on the basis of the Lahore resolution and for a parliamentary form of Government based on the supremacy of a directly elected legislature on the basis of universal adult franchise.

2. The federal Government shall deal with only two subjects—Defence and Foreign Affairs with all residuary subjects vested in the federating States.

3. There should be either two separate freely convertible currencies for the two wings or one currency with two separate Reserve Banks to prevent inter-wing flight of capital.

4. The power of taxation and revenue collection shall be vested in the federating units. The federal Government will receive a share to meet its financial obligations.

5. Economic disparities between the two wings shall disappear through a series of economic fiscal and legal reforms.

6. A militia or para-military force must be created in East Pakistan which at present has no defence of its own.

The overwhelming success of the Awami League in the polls in East Pakistan when they captured all the seats save two clearly manifested that the people were behind the demand of

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<sup>3</sup>Quoted in 'The Tribune' as U. N. I. report, 22nd January, 1973.

Mujibur Rehman for the creation of an autonomous State. An analysis of the theory of the demands will be of immense value to posterity. The main reason for the plaint was the imposition of Urdu as the national language of East Pakistan. The report of the Basic Principles Committee in 1960 recommending Urdu as the national language of the entire country, was opposed by the Muslim League members from East Pakistan. As it became plain that the people of the Eastern Wing idolised the Bengali language, the Constituent Assembly was constrained to spurn the interim Report, and to convene a fresh Committee to look into the language problem anew. When the new Committee also recommended Urdu as the solitary national language, there were waves of protests and demonstrations in the Eastern Wing. The United Front party under the stewardship of Fazul-ul-Haq with its slogan "Bengal for Bengalis" and its 21 point programme swept the polls in 1954. It was a bitter blow to the Muslim League which had fought for Urdu as the national language. Fazul-ul-Haq's United Front Ministry put up a charter of demands also containing 21 points which included acceptance of Bengali as one of the national languages, grant of complete autonomy to East Bengal with the Centre retaining Defence, Foreign Affairs and Finance and eradication of discrimination against the Eastern Wing especially in the sphere of industry. There were other demands also. Therefore, the United Front Ministry was dismissed by the Centre followed by arrests of its leaders and imposition of censorship. The Governor-General of Pakistan announced the birth of integrated Province of West Pakistan on March 28, 1953 to stem the tide of demand for autonomous linguistic States.

The political grievance of East Pakistan were exacerbated by the cry of economic exploitation by entrepreneurs from the Western Wing which had in fact led to the emergence of Awami League as the sole representative of the people of East Pakistan in 1970 elections. Later, its leader Sheikh Mujib was compelled to issue a clarion call for a civil disobedience movement in protest against the arbitrary action of president Yahya Khan by postponing *sine die* the National Assembly meeting scheduled for March 1, 1971. The clamping of Martial Law followed by Pakistan military action under Major Reza Khan led to the formation of Bangla Desh Government. The migration of nine



million people, mainly Hindus, due to the atrocities of Pakistan Army, motivated Indian government to take up cudgels on behalf of their co-religionist to restore them back to their homes. These were the events which led to the emergence of Bangladesh.

Symptoms of similar developments are visible in the growth of political consciousness amongst the distinct nationalities in the sub-continent. This has been made manifest by the Muslim voices for restoration of special status of Jammu and Kashmir, the agitation of the Sikhs for full autonomy for Punjab, the demand of the southern States for greater autonomy, the emergence of the cultural States and their aspirations on the eastern borders.

### III

The birth of Bangladesh, however, has brought into focus the following issues relating to nationalities in this sub-continent :

(i) Are matters pertaining to a nationality within the unilateral jurisdiction of the State ?

(ii) Does it fall within the purview of bilateral negotiation between the Government and the minorities ?

(iii) Should an international organisation tackle such matters ?

The parent State of a national minority would naturally consider it to be a domestic problem. This was the stance adopted by Pakistan when the people of East Bengal embarked on a struggle to free themselves from the Pakistani yoke. The world at large accorded support to Pakistan on the plea that, being a domestic problem, it did not warrant any external interference. The world community has witnessed that the above axiom does not hold water, as the migration of 9 million evacuees, mostly Hindus, from the erstwhile East Pakistan forced the Indian Government to intervene in the struggle with the sole purpose of restoring refugees back to their homes. A similar situation had arisen earlier when the problem of 2,85,260 South African nationals of Indian origin had come up before the General Assembly of the United Nations in 1946 at the instance of India. The complaint was that the South African Government was resorting to racial persecution-cum-discrimination against its

nationals of Indian origin who were ethnically connected with India. An Indian delegate stated that "the Government of India had always considered it a duty to look after the interest of Indians in South Africa."

The principle of bilateralism was accepted by both India and Pakistan with regard to Kashmir which has a predominant Muslim population, and which used to be a kindred territory. The Kashmir problem has been sponsored on several occasions before the General Assembly of the United Nations by Pakistan or its allies. The minority problem based on religious, linguistic and cultural differences, is a perennial one in history. It has figured in many of the debates in the different organisations and forums of the United Nations Organisation.

Arnold Toynbee attributed the advent of World War I to the unstable political conditions prevailing in different countries of Europe with their heterogeneous population. This brought the minority problem into international focus compelling the League of Nations to guarantee minority rights in special minority treaties with the principle allied and associated powers and also taking unto itself protective role in that regard. There were two factors which contributed to the failure of the League of Nations espousal of the minority rights; firstly, the attitude of the national States to pursue a policy of denationalisation and assimilation of the minorities within their areas; secondly, their demand of generalisation of the system so as to make all States equally liable to international intervention on behalf of the minority groups instead of treaty States only.

The minorities' problem again contributed to the outbreak of the World War II when Hitler justified his expansionist policy on the plea of rescuing German minority from the oppression of the alien masters, and thus confer upon them the blessings of integration with the mother nation. Another cause was the Nazi effort to oust the Jews from Germany.

There was a traumatic touch of irony in the situation prevailing at the close of World War II when the European leadership put greater accent on human rights than the minority problem. They, though fully conscious of the democratic rights of the citizens, turned a blind eye to the provision of protection of minority groups, groups of individuals with distinct language or culture or religion. This encouraged the national States backed



by the major groups achieving homogeneity at the cost of obliterating minority cultures there. The United States of America was in the vanguard of this move. It was on the initiative of the Soviet Union that the Economic and Social Council in its Second Session (1946) developed plans leading to creation of the Sub-commission on the prevention of discrimination and the protection of minorities. The formation of such a body was a laudable action particularly when the objective announced was, "to examine what provisions should be adopted in the definition of principles which are to be applied in the field of prevention of discrimination on grounds of race, sex, language, or religion, and in the field of protection of minorities; and to make recommendations to the Commission on Human Rights on the urgent problems of these fields as well as to perform any other function which may be entrusted to it by the Economic and Social Council or the Commission on human rights." The representatives of the United States and France canvassed in 1951 for the abolition of the Sub-Commission, a sinister move backed by India. This betrayed the nonchalant stance of the majority towards the minorities in India, whom it desired to absorb in its fold. As a sequel to this move, the Council for Human Rights decided to wind up the Sub-Commission, but this was prevented by the scathing attack by the Soviet Union on the Western Powers accusing them of endeavouring to destroy the sacred rights of national minorities. The Sub-Commission did survive this onslaught, but thereafter serious notice was not taken of its recommendations.

The issue of special protection for minorities was taken up also while formulating conventions for prevention and punishment of crimes of genocide. The adhoc Committee considered drafts pertaining to physical genocide which implied physical destruction of groups; biological genocide connoting the prevention of births within a group; and cultural genocide, which meant the ruthless erosion of specific characteristics of a group with a view to undermining its cultural and linguistic traditions; and recommended prevention of all genocides including cultural genocide. The item regarding cultural genocide was controverted by United States and France. The drafting committee of the Commission of Human Rights incorporated an Article, therefore permitting the minority groups to use

their own language and maintain schools and cultural institutions which would be supported, "out of an equitable proportion of any public fund available for the purpose." But India, U. S. A., the United Kingdom, Panama, Chile and Cuba excluded such a provision from their draft. The Sub-Commission, however, recommended that well-defined minority groups should be entitled to such rights as are compatible with public order and security. The Soviet proposal to reinforce minority rights by binding the governments concerned to provide funds and cognate arrangements for group autonomy was turned down by the Sub-commission due to the opposition of the Western bloc and India. The drafting committee of the working group of the Commission of Human Rights had to accept the proposal offered by Britain with the support of India, and the U. S. A. recommending that the declaration of human rights should refrain from making any reference to the rights of the minorities including the use of mother tongue and maintenance of educational and cultural institutions. The Soviet Union and the Eastern bloc opposed this and continued to press for inclusion of the minority rights. It was in consequence of this that the Commission for Human Rights and the Sub-Commission adopted the following draft Article in 1953 : "Persons belonging to an ethnic, religious and linguistic minority shall not be denied the rights in community with other members of the group, to enjoy their own culture, to profess and practise their own religion and to use their own tongue." The Ninth Report of the Sub-Commission, however, defined the term of *minority* to be applicable to long established group and excluded migrant elements from its scope.

The United Nations has been stopped from coming to the rescue of minority groups due to the opposition of the Western European bloc and India. Fortunately for the minorities, the Soviet Union and the Eastern bloc have raised a chorus for provision of minority rights, including preservation of their language and customs, on the thesis that it would not imperil national solidarity and security. The stance of United States and Britain underwriting national solidarity can be appreciated due to the prevalence of integrated societies in these countries. The stand of India, however, with its old established and distinguished minority groups was contrary to the minorities'



viewpoint. Perhaps India's stand at the United Nations reflected the inner feelings of the ruling clique.

We are, however, concerned with the conditions in the Indian sub-continent. Here the heterogeneity is more marked than anywhere else in the world. Russia, perhaps, is another sub-continent having a similar combination of disparate people. The Governments of India and Pakistan endemically face discord between the Centre and the States, between diverse cultures, linguistic groups within the component States. The fate seems to have decreed that the venue of tension and conflict be shifted from West to East, including this sub-continent. It is this danger we have to avoid. Bharat has confronted complex problems, both internal and external, which challenge its leadership. It had to face four wars, yet heterogeneous people manifested both solidarity and loyalty to the country. This should not lull the leadership into complacency as if no further problem calls for solution. The triumph of Indira Gandhi's Congress on the economic slogan of 'Gharibi Hatao' is no yardstick to measure the acceptability of the existing structure to all sections of the people. The deeply ingrained sentiments of the linguistic, cultural and religious minorities promote sudden storms in the political tea cups. The immediate motif of the cultural and linguistic struggle in Bangladesh might have had its roots in an economic exploitation and linguistic urge but yet there is no gainsaying the fact that the Pakistani leadership did not realise the significance of the problem either on issuance of Sheikh Mujib's six points or on his party's thumping triumph at the polls. The Pakistani leadership again failed to read the writings on the wall when, on postponement of the National Assembly's sitting, Sheikh Mujib launched his non-cooperation movement which was pregnant with dangerous revolutionary possibilities. The gargantuan rising of the people in East Bengal in support of the movement ushered in the sophisticated Pakistani military machine. Cognate problems intermittently raise their heads on the Indian landscape, but the leadership has displayed lack of maturity by tackling them unilaterally instead of resolving this widespread malaise on an all-India level. The Centre should begin a dialogue with the different constituent units, and force a revised Constitution with greater autonomy for the States. Any complacency in this respect will have disastrous results.



The Western-educated Indian bourgeois leadership modelled the Constitution on Western lines. It suited the mental make-up of the majority community, as the American Constitution also vouchsafed, for the assimilation of minorities. But it was conveniently forgotten that the minority groups in India are deeply imbued with cultural and religious susceptibilities. As discussed in Chapter II, the cultural, linguistic, racial and religious minorities have their heels so firmly dug into their own beliefs that it is moonshine to think of their being assimilated into the majority community.

Therefore, the policy of assimilation and absorption, even if resorted to by coercion as envisaged in the programme and policies of Indianisation adopted by the majority group in the National Congress imperceptibly, and by the Jana Sangh perceptibly, cannot succeed in the country. Such a policy embarked upon has evoked an equally strong resistance by the national minorities in different States. We have illustrations in the attitude of the Scheduled Castes in the country. They are part and parcel of the Hindu society. They worship Hindu dieties. They follow Hindu rituals and ceremonies. They had been given special privileges and rights in the Constitution of India. The objective expected was that they would, in course of time be assimilated and absorbed to the extent that they would become part and parcel of the Hindu society, no longer necessitating special privileges and rights. The conditions have not changed a bit. They consider and count themselves as separate and as distinct as before. The masses amongst them are treated by the Hindu society as shabbily as before. They are perceptibly a separate group, socially and politically in the legislatures of the States. Privileges and rights granted in the Constitution, originally for ten years, had to be extended to keep them part of the Hindu society. This in itself is a pointer that there is no equality in the Hindu society. The make-up of the Hindu society based on *Manu Smriti* is such. The Muslims, Sikhs and other national groups are more distinct.

Social solidarity flows from the level of cohesion among the members of a group which is usually supposed to have its root in such essential structures and processes such as kinship, possession of common language or religion, inter-dependence or partnership in life's painful and pleasant experiences. The



French theorist, Emile Durkheim, identifies two types of social solidarity. The one which he calls a mechanical solidarity arises because the members of a group are of the same kin, caste or race, speak the same language, owe allegiance to the same flag, live in the same neighbourhood, have similar political or religious beliefs, share the same experiences and possess other common traits. He names the other type as organic solidarity which is not based on similarity but differences of religion, language, race, culture etc. but this can be brought about by the development of common interests, common objectives and territorial patriotism. Common interest and objectives in India cannot be brought forward on the basis of religion, culture, language or caste, for society here is so heterogeneous that none of these factors can bring solidarity. The only concept and objective that can bring in solidarity is the construction of an economic structure in which each sector of the people share a common objective. It is the economic aspect only that can bring solidarity in each unit, State or area. The country has certainly developed on industrial lines. This could have been one of ways to bring in the different sections of society in one common channel. Here, too, industrialisation has been on communal and sectional, rather than on secular or national lines. The private sector has entirely developed on such lines whereas in the public sector no effort has been made to have representation of all the communities in order to develop a common interest in the sphere of economic and industrial life. Therefore, it can be said that industrialisation has led to economic disparities between different sectors of society, thus accentuating cleavage rather than lessening it. Stuart Mill has said : "Free institutions are next to impossible in a country made up of different nationalities." We are going in for the Fifth Five-Year Plan in our economic and industrial development but we have yet to banish poverty from the country. Poor and backward classes have become poorer, and rich and upper classes have become richer. Unfortunately we have no figures of the per capita income of the different sectors of society—Muslims, Sikhs, Christians, Scheduled and Backward Classes but there is no gainsaying the fact that these backward classes have become poorer in these four Five-Year Plans. This is a natural sequence to free enterprise and institutions in the country. The complaint of national



minorities here, as elsewhere, is always that they are discriminated against in all walks of life by the majority group particularly in employment, not only in Government services but also in the private, public and industrial sectors. Even if we take these complaints to be exaggerated, yet discrimination is always there in employment which may be conscious or subconscious. The Bengalis have a general complaint in Calcutta that Marwari houses do not give employment to them even in Bengal. Similar are the complaints about big Hindu monopoly houses throughout the country. A probe into the employment statistics of the big monopoly houses would show how far this complaint is correct in that the national minorities in the country are not represented in the services of this sector of economy and employment in the country. Therefore, the complaints of the minorities are natural and justified.

It has been rightly said that a political system based on the concept of freedom will survive in the measure in which values are generally expressed in every day life and in opportunities of common people in human and social relationships at the level of the community. There can be no success in the system unless it envisages justice to all and ensures equality in practice. To this end, it must enforce laws and adopt measures bringing in structural changes in society with that objective in view. Economic equality and uniform growth are the basis of integrated society. It represents a vital and unifying goal, and is a necessity for harnessing the energies and initiative of the people in all fields of activity. For a country of India's diversities and size, where poverty has been on the increase and tasks originally contemplated are incomplete, and the country is on the brink of disintegration, the time has come when no opportunity should be lost. This challenge to the leadership is a pressing one, making a demand on the intellect in the country to do something, and bring in those institutional changes in the structure of society which should make for the betterment of the economic conditions of the people, and raise their standard of living. Tarlok Singh, at one time a prominent member of the Planning Commission and a noted scholar, comments thus : "We have entered a period not of transition to a new order but of small aims, of a weakening of values, of loss of social ideals, perhaps of disintegration. There are portents to be observed. Within



the country, in terms of practical action, every single idea which gave constructive expression to belief in freedom and democracy is becoming weaker, equality, employment and education for all; land reform and redistribution of income and wealth; diffusion of industry, rural industrialisation and balanced regional development; local democracy, building up of co-operative commonwealth and development of socialistic society, planning, democracy and economic reconstruction were independent improvements and gave support to one another. The main strength of the Indian planning lay in its continuity, organic growth and view of the nation as a whole. These attributes have been allowed to come under eclipse.”<sup>4</sup>

We have reached a stage in the course of our history wherein there should be realistic thinking on problems; and ways should be found to solve them, lest we find ourselves faced with such situations from which there may be no going back. Gunnar Myrdal said recently, “the tragedy of country like India is that elite has become so corrupt that while talking glibly of egalitarian ideals, they have no intention whatever of giving up their privileges, their soft, corrupt and luxurious life.” Instead of attempting to attain a classless society we have created a cartload of classes and bureaucracies in all sectors, administrative, judicial, commercial, public and what not. Monopolists, in collusion with the bureaucracy control the economy of the country without any benefit percolating to the large masses of the people. India has adopted ‘a socialistic society’ as its goal. The people have given a verdict in its support in the Lok Sabha General Election of 1971 and the State Assembly elections in 1972 by voting to power the present ruling party which had projected such objectives. This stand brought it to power. It is possible that the leadership in the ruling party is itself not clear in its mind on the issues and implications involved in their stand. State capitalism is not socialism. Socialism in substance means nationalisation of all means of production. Socialism is not taboo to different sectors of society in India. Hindus believe in the joint family system with ownership of coparcenary property in common without specified shares of any. The elementary principle in the Hindu joint family is that shares of

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<sup>4</sup>Tarlok Singh ‘Towards Integrated Society’.

the co-partner are fluctuating and when any coparcener dies, the shares of the remaining coparceners are augmented to that extent. The socialistic society is a joint family on a much larger scale with common ownership, each contributing in accordance with his ability and drawing from the common pool commensurate with his work. Muslims equally believe in the socialistic society, and even the Constitution of Pakistan is based on the foundations of 'Mussawat Mohammadi' i. e. equality. Sikhs, of course, have given religious sanction to the economic dicta, *Kirt Karni* (to put in labour) *Wand Chakna* (equal distribution) and *Nam Japna* (Prayer to the Almighty). Therefore the economy of the country can be planned on certain basic principles of socialism. These principles can be :

(i) Adopt measures to ensure the well-balanced and rapid development of the national economy;

(ii) The ability to determine correctly the prospects and priority for work to be done and orientate on the latest achievement of science and technology and on advanced experience;

(iii) Creating conditions and environments for each State or unit in the country and labour therein to explore and exploit its economic resources in order to solve the most crucial economic and political tasks.

(iv) Adoption of the most efficient utilisation of resources and material in each State or unit, its labour and financial resources, the ability to find vital links in the plan at a given movement."

Free enterprise and free institutions mean concentration of economic power in a few hands only to the detriment of the society in general and people as a whole particularly the backward classes. This tends to create disparities and discrimination in the economic growth of different peoples, groups and nationalities in a country like India where the society is not integrated whole and comprises sectors. In such complex society with different sections therein at different levels of economic growth development and standard of living, free enterprise naturally carries with it the hazard and risk of the backward classes and communities remaining backward, less developed and poorer, and advanced section becoming more affluent, more powerful with higher standard of living. The only



remedy for avoidance of such results is that the Government takes unto itself all means of production and equitable distribution. In such conditions and circumstances each unit or State or area of nationality should have the opportunity and occasion to practice planned specialisation in those industries and projects which are in consonance with its natural, economic and historical conditions and with labour and skill of its population in those branches of industry and projects which are more effective both from the view point of a state, unit or area and from that of the country as a whole. The function of the Centre or Union should be to ascertain and lay down effective guidelines for developing each unit or area from the broad multinational point of view and economic formulation bearing in mind two aspects; firstly, the Centre or the Union is aiming at the balanced development of the economies and cultures of such units or areas; secondly, it is endeavouring to determine the continuation towards solution of the country-wide economic problems, which each unit or State or area must take up with full consideration of inter-State feature and interest in the final shape.

The most important criterion of the effectiveness of a unit's economy is the extent to which it takes part in solving the country's problem as a whole and its contribution to its greatness. Such an approach alone can lead to the economic strength of the units and its people and also over-all betterment of the country. Socialistic production based on mutual relations of the units can create favourable conditions for evolving most favourable and optimal contribution of each unit's interest and those of the country in general. It will have to be appreciated that the territorial development of the productive forces does not take place spontaneously, but is always the result of planned thinking and organisation of social production after a mutual and co-operative control of the economy. It is in that manner that the territorial production complex can grow to the advantage of each unit as also the country. Illustratively, certain parts of Punjab grow cotton in abundance. Therefore there is no reason why the textile industry should not be concentrated to the advantage of this unit when such a concentration is bound to lead to increase in production of textiles because of the nearness to the raw material. The economic potentiality of

each unit can thus be utilised and harnessed not only to the advantage of the economic strength of that unit but also to the strength of the country as a whole.

It was against this background that Prime Minister Nehru said in 1952 : "Our economy and social structure have outlived their day and it has become a matter of urgent necessity for us to refashion them so that they may promote the happiness of all our people in things material and spiritual. We have to aim deliberately at a social philosophy which seeks a fundamental transformation of this structure at a society which is not dominated by the urge for private profit and by individual greed, and in which there is fair distribution of political and economic power. We must aim at a classless society, based on co-operative efforts, with opportunity for all." Later, addressing the National Development Council meeting on November 9, 1954, he said, "the picture I have in mind is definitely and absolutely of a socialistic picture of society. I may not be using the words in a dogmatic sense at all but in the sense of meaning largely that the means of production should be socially owned and controlled for the benefit of the society as a whole." In spite of the adoption of this policy a long time back and its reiteration from time to time, it shall have to be conceded that the growth of the private sector has led to marked expansion in the range of operation of well organised business houses, increased income to certain categories on account of capital gains, speculations, evasion and avoidance of taxation and concentration and expansion of small and medium-scale industries, mainly in selected towns and cities.

The problems of disparities in economic and industrial development in different States and units and in the standard of living of different classes of society in backwardness and poverty of a large percentage of the population call for a political solution in order to create an atmosphere and climate in which different States and units and classes of society are in a position to function, and are enabled to tackle their economic problems in their own way. The need of the hour is that the administrative and constitutional set up in the country should be so adjusted and adopted that each State or unit with its people is allowed to grow freely. History has given us examples where the problem of nations and nationalities has been satisfactorily solved. The



U. S. S R is one country (it can also be called a sub-continent) which has, like India heterogeneous population which can be called multi-national, multi-linguistic and multi-cultural. The adoption of the policy of granting self-determination to nations, creating and conceding to the nationalities the environments and atmosphere conducive for developing in their own way by the Russian Communist Party led by Lenin, contributed not only to unity in the country but also unparalleled advancement.

The biggest nation in that country are the Russians themselves, who according to the census of 1970 number 129 million i. e. 53 per cent of the total population. Then come Ukrainians (41 million), Uzbeks (9.2 million), Georgians (3.2 million), Moldavians (2.7 million), Lithuanians (2.7 million), Jews (2.1 million), Tajiks (2.1 million), Chuvashes (1.7 million), Turkmons (1.5 million), Bashkirs (1.2 million), Kirghiz (1.4 million), Latvians (1.4 million), Estonians (1 million). Besides these, there are more than 80 other nationalities numbering from 700,000 to 10,00,000 people. The union of the Soviet Socialist Republic comprises of 15 sovereign republics, 20 autonomous republics, 8 autonomous regions and 10 national areas. The complex nature of the population can be assessed from the fact that every republic and unit has a multi-national structure. In fact not a single nation in Soviet Russia resides within the border of only one national republic. The Ukrainians, for example, account for 86.9 per cent of the population of the Ukrainian Soviet Socialist Republic, 9 per cent of the Russian federation, 2 per cent of the Kazakh Soviet Socialist Republic and 1.1 per cent of the Moldavian Soviet Socialist Republic. Similarly 83.8 per cent of the Uzbeks live in the Uzbek Socialist Republic. 7.6 per cent in the Tajik S. S. R., 3.6 per cent in Kirghiz S. S. R., 2.3 per cent in the Kazakh S. S. R., and 0.5 per cent in the Russian Federation, and so on.

The resurgence of national forces occurred on the fall of the Czarist regime and each of the countries and nations in Czarist Russia aspired for nationhood. Turkestan was practically a colony during the time of the Czars. Khiva and Bokhara States were something like colonies. The Balkan States were ruled by a Russian Governor, though more developed economically. Finland was under the heel of Russia. It was against this background that Lenin projected a policy and

principle of self determination for each and a voluntary union of nations—a union which precludes any coercion of one nation by another—a union founded on complete confidence and on a clear recognition of brotherly unity on absolute voluntary concept.

It was on December 30, 1922, that the 2,214 delegates to the first U. S. S. R. Congress of Soviet envoys of the Soviet Republics decided to form a federal national State and called it the Union of Soviet Socialist Republics. Lenin in an interview with a foreign correspondent, propounded his policy of dealing with the nationalities thus : 'Our five years' experience in settling the national question in a country that contains a tremendous number of nationalities such as could hardly be found in any other country, gives us the full conviction that under such circumstances the only correct attitude to the interests of nations is to meet those interests in full and provide conditions that exclude any possibility of conflicts on that score. Our experience has left us with the firm conviction that only exclusive attention to the interests of various nations can remove grounds for conflicts, can remove mutual mistrust, can remove the fear of any intrigues and create that confidence especially on the part of workers and peasants speaking different languages, without which there absolutely cannot be peaceful relations between peoples of anything like a successful development of everything that is of value in present-day civilization.' It was in pursuance of this policy that the Union of Soviet Socialist Republics originally was composed of four Union Republics in 1922; the Russian federation, the Ukrainian S. S. R. (Soviet Socialist Republic) the Byelorussian S. S. R. and the Federation of Transcaucasian republics. In 1924 they were joined by the Uzbek S. S. R. and a Turkoman S. S. R. formed from the territory of the Turkistan autonomous S. S. R. which was incorporated in the Russian federation and from the Bukhara and the Khorezan Peoples' Republics. The Tajik S. S. R. was formed in 1929 into union republics, bringing the total to 11. Bessarabia and Northern Bokovina were restored to the U. S. S. R. in 1940 after the peaceful settlement of the dispute with Rumania. The large part of Bessarabia populated by Moldavians and Moldavian autonomous S. S. R. which was incorporated into the Ukraine, re-united into single Moldavian



Soviet State which received the status of a Union Republic. In the same year the Soviet Republics of Esthonia, Latvia and Luthania were formed and their leadership expressed a desire to join the federation of U. S. S. R. Thus the total number of the republics in the Soviet Union came to be 15. Besides these sovereign union republics, 20 autonomous republics, 8 autonomous and 10 national regions comprise the Union of Soviet Socialist Republics, and each republic is reported to have complete sovereignty within its sphere.

It was thus that the Soviet leaders made an attempt to solve the problem of nations and nationalities within the huge empire that was Czarist Russia at one time. The progress made by these units and regions subsequent to their independence has been the subject of appreciation by Pandit Nehru, who wrote in his autobiography, "in particular, I was impressed by the reports of the great progress made by the backward regions of central Asia under the Soviet regime. In the balance, therefore, I was all in favour of Russia, and the presence and example of the Soviets was a bright and heartening phenomenon in a dark and dismal world." Rabindranath Tagore, conveying his impressions in his famous letter about Soviet Russia wrote : "Having come to Soviet Russia, I saw that the clock of progress like hours had stopped, at any rate in the houses of common people, but even this clock after centuries of disuse had begun to function again and perfectly after ten years' windings. At last I know that ours too would work but the winding has been neglected." The Soviet traits and methods of solution of the problem of nationalities should certainly be the subject of study, scrutiny and emulation by the leadership in India for a solution of the problems here.

The policy towards nationalities adopted by the leadership of Soviet Russia after the October Revolution guaranteed each people the right to instruct and bring up the younger generation in their native language. It was made possible for all the peoples to create their own alphabets and to develop and perfect their languages. Central Asia and Kazakhstan speak many languages, including Turkish and Iranian, which fall into distinct dialects having different origins-Dungan and Arabic. Many of these dialects had no written form and the languages which used the Arabic alphabet had very loosely defined spellings. Even the

ancient language of Uzbek and Tajik did not represent the spoken language of those people. Yet, Lenin rejected the proposal for making Russian the State language in these areas as obligatory for all, and felt that the teaching of Russian would be contradictory to the principles of free development of all the U. S. S. R. languages. The national and linguistic minorities were given help in creating a written system for these languages and dialects, with the result that all the peoples, including national minorities such as Evonke, Nentize, Chukchi and Mansi got their alphabets. Along with creating a written language for dialects, an extensive net-work of schools was set up in the national republics and areas for illiterate adults besides primary schools for children, where teaching was conducted in the national languages. It may be mentioned illustratively that the tiny Central Asian Republic of Tuva with 2 lakhs population which formerly had 100 per cent illiteracy, acquired literacy in such high proportion by 1944 that it was reported to have three magazines, three regional and four district papers with a total circulation of 41,000. This is how the language question was solved on a regional basis.

The Indian leadership would be well advised to have a long-range view of the problem in this sub-continent of nationalities here and for the purpose, there should be harmonious adjustment between the powers of the Union and the States in a manner that avoids conflict between them. The policy of the Centre should permit freedom of growth of each State or unit in its own way—religiously, economically, culturally, educationally and socially on the basis indicated by the Russian Communist Party by its resolution of the Tenth Congress in March 1921 when it laid down :

“(a) To ensure the integrity and economic development of individual republics and the federation as a whole;

(b) To encompass the various ways of life, the diverse cultures and various economies of different nations and nationalities which are at different level of their development, and proceeding therefrom to use this or that kind of federation;

(c) To establish the peaceful co-existence and fraternal co-operation of nations and nationalities that have linked their destinies with that of federation in one way or the other.”



It would not be an imposition or infliction of Marxism or Communism in the country as some might apprehend, but it would be the adoption of good features from the political system of others which has succeeded in solving complex problems of nationalities which have stood the test of time. It is equally incorrect to think that by the acceptance of good features of the Soviet system of the solution to the problem of national minorities and their incorporation in the Constitution of our sovereign democratic republic, we endanger religion in the country or its democratic set-up. We can evolve and incorporate these features in accordance with India's genius and of our own concept. One of the first major documents of the Soviet Government, along with decrees on peace and land, was the declaration of the rights of the peoples of Russia by laying down the following principles :

- “(1) The equality and sovereignty of the peoples of Russia;
- (2) The right of the people of Russia to free self-determination up to secession and the formation of independent States;
- (3) Abolition of all and any national and national-religious privileges and restrictions;
- (4) Free development of national minorities and ethnic groups inhabiting Russia.”

The People's Commissariat for the Affairs of Nationalities was established to supervise the implementation of the nationalities' policy. The appeal issued by the Council of Peoples Commissariat to all the Muslims, who constituted a nation in some areas where they were in majority and national minorities at other places, used the following words : “The world of capitalist plunder and violence is collapsing. The place is getting too hot for the sharks of imperialism. In the face of these great events we are appealing to you, working and destitute Moslems of Russia and the East……Your beliefs and customs, your national and cultural institutions are henceforth declared free and inviolable. Regulate your national life freely and unimpeded. You have the right to this. Be aware that your rights, like the rights of all the peoples of Russia, are guarded by the entire might of the revolution and its bodies—the Soviets of Workers' Soldiers, and Peasants' Deputies.” It was in furtherance of this policy that the Council of the Peoples' Commissars

decided that the Quran of Caliph Othman, which had been earlier kept at the State public library in Petrograd be handed over to the regional Muslim congress.

No doubt Soviet Russia has a complex States structure, wherein at the top there is a federated Union of sovereign republics, autonomous regions and national areas, but the Union republics as units have even the constitutional right to organise their own armies, conduct their own foreign policies and carry direct foreign relations with foreign States, exchange diplomats and consular representatives and make treaties. These powers to the units were the basis for the Soviet Union's demand for the United Nation's seat for its two republics, Ukraine and Byelorussia. These powers in the republics are real. It is another thing that there is a monolithic Communist Party, as a consequence of collaboration, co-operation and cohesion in different peoples which does not necessitate the exercise of these powers by the individual republics. Article 17 of the Soviet Constitution vests the right in each republic to secede from the Union. It was after the announcement of this right of self determination that Finland expressed its desire to take advantage of this right and seceded from the Soviet Republic in 1917. The Soviet Government likewise reaffirmed the unconditional right of the Polish people also to self-determination up to secession. Tuva, a small mountainous region bordering China and Mangolia also seceded from Soviet Russia in the middle of 1918. This tiny State again rejoined the Republic of Soviet Russia along with others later. This process of joining with the Soviet Russia went on up to 1940. The fact that not one of the republics used this right of secession in the last 30 years is evidence not of the fictitious nature of the right to secede as interested and partisan propaganda tries to present it, but it reflects the fact that each republic feels happy in an atmosphere where there is no oppression and coercion; and each republic, by remaining within the Union draws incalculable economic and political benefits. Besides, these republics have much more powers than those vested in the American individual States regarding adoption of their own constitutions, creation of supreme organs in all fields of activity, judicial, cultural, economic and social which are settled and implemented without interference from the Central Soviet. The Constitution is



written and provides two sets of governments, Central or the Union and the Government of the Union Republics. There is clear division and demarcation of powers. Specific powers are given to the Union, whereas residuary power belongs to the Republics. The emphasis in the Constitution is on guarantees "to protect the sovereign rights of the republics."

The Supreme Soviet is a bicameral legislature consisting of the Council of the Union and the Council of Nationalities. The Council of the Union is the Popular House elected by the citizens of the Union of Soviet Socialist Republics on the basis of one deputy for every three lakhs of the population, but the Council of Nationalities is an organ of representatives of the Union Republics and national territorial formations; each Union Republic elects 32 deputies to the Soviet of Nationalities without consideration of the size or population of such republics; every autonomous republic sends 11 representatives, every autonomous region five, and a national area one deputy. Both the Houses of the Supreme Soviet are elected for a term of four years on the basis of universal, equal and direct suffrage. All citizens of 18 years of age except persons convicted by courts of law or disqualified are eligible to elect deputies. The Council of Union and the Council of Nationalities are approximately equal in size—of about 600 members each.

The legislative functions are exclusively exercised by the Supreme Soviet comprising these two Chambers which have identical functions and their powers are co-equal. Legislation can be initiated in either the House and the Constitution makes no distinction between one Chamber and the other. It gives equal rights to both the Houses and there can be no legislation without the consent of both. It is because of the observance of the correct feature of the federation and its principles of equal representation that bicameral houses have been established. The object of setting up a Council of Nationalities, as its name indicates, is to give specific and equal representation to each sovereign republic effective representation to autonomous regions and areas with a view to enabling each to effectively safeguard its special interests. This Chamber thus represents the interest of the various nations and nationalities rather than the republics, regions or the areas of the Union. The significant feature regarding guarantees to the special interest of nationalities lies

in the equality of representation. The Russian federation, the largest Union Republic, has a population of more than 130 million with an area of 17 million kilometers but the Estonia Soviet Socialist Republic, has a 14 lakhs population within an area of 45,100 sq. kilometers. But both areas are equally represented in the Council of Nationalities and both are equal within the Soviet system. They have the same sovereign rights and equal opportunities of representation in different organs of the Central administration. The same holds good for any of the 15 Soviet Union Republics.

When new elections are over, both the Chambers proceed to elect the credential committees which varify the credentials of the members of their respective Chambers. Each Chamber elects its own Chairman and two Vice-Chairmen. In the case of a joint sitting, the Chairman of the Council of the Union and the Chairman of the Council of Nationalities preside alternatively. The set-up of the presidium of the Supreme Soviet and Council of Ministers has effective representation from every sector of the Union. One Vice-President of the presidium of the Union of Soviet Socialistic Republics is from each republic and traditionally these persons are the Presidents of the presidium of the Union Republics. The Chairmen of the Council of Ministers of the Republics are members of the Central Council of Ministers by virtue of their office. The Union Republics are represented in the Central Supreme Court on similar lines. The Chairmen of the Supreme Courts of the Republics are ex-officio members of the Central Supreme Court. Therefore, supreme power of the Central Soviet is exercised by those organs which include direct representation from the different republics. This gives a guarantee to them that their interest will be safeguarded by the Centre.

No doubt, it is the Union or the Centre that lays down the guidelines for each Republic, region or area to practise planned specialisation in those industries and undertakings which are in consonance with its natural, economic and historical conditions and with the labour skill of its population concentrated on those branches of industry which are most effective both for the Republic itself and for the country as a whole. This system certainly leads to unified economy, which is the consequence of mutual consultation and collaboration.



Ascertaining the most effective way of developing the Republics, the Centre or the Union proceeds from a broad national economic formulation of the question, bearing in mind two aspects; on the one hand, the Centre is steadily aiming at the balanced development of the economies and culture of each unit; on the other, it is endeavouring to determine the solution of country-wide problems which each unit must take into consideration along with its own national features and interests.

It is with this background of planning that each Republic in the Soviet Russia has progressed tremendously and this progress can be assessed and gauged from the statistics for production and output of each republic. The proof of the pudding lies in the eating. The figures of the out-put of Muslim majority Republics in the Soviet Union are indicative of the progress made.

The Uzbek Soviet Socialist Republic has a population of 12.7 million with an area of 1158069 square miles. The output in this Republic has increased 239 times since 1922 and is a major fuel and power engineering area with well-developed ferrous and non-ferrous metallurgical, chemical and machine-building industries. It is also the main centre of cotton growing.

The Kazakh Republic has a population of 13.6 million with an area of 1064092 square miles. Its industrial output has soared 600 times from 1922 and holds the third place in the country. It has developed to be one of the main area of non-ferrous and ferrous metallurgy and has well-developed machine building, fuel and power engineering and other industries. It is a leading centre of cereal production and other agricultural crops.

The Azerbaidjhan Socialist Republic has 5.4 million population within an area of 33436 square miles. Its industrial output has gone up by 67 times during the last 50 years. The republic has well-developed ferrous and non-ferrous metallurgy, machine-building and electro-technical and chemical industries.

Kirghiz has a population of 3.1 million with 76642 square miles. The industrial out-put of this Republic has grown 412 times since 1922. This republic also claims industries for machine building, machine tools manufacture, instrument making, light and food industries, besides specialising in animal husbandry.

Tajik has 3.2 million population within an area of 54019 square miles. The industrial output has gone up 513 times over that of 1922. The leading industries are power engineering, fuel mining, machinery building, electro-technical besides light industries. It is also a cotton growing area.

The Turkomen Republic with a population of 2.3 million has an area of 188417 square miles. Its industrial output has increased 136 times during the last 40 years. This Republic holds the second place in oil and gas production and has well-developed power engineering, chemical machine-building and other industries.

The statistics of the Republics' Muslims, who constitute a minority in the overall political set-up show the absence of discrimination in the matter of industrial development of each unit or Republic.

Soviet Russia has adopted a more practical secular attitude towards religions. The state decreed the dissolution of the Christian Church and the introduction of secular education which outlined the basic principle of freedom for practice of all religions and profession of faiths. The State commits itself to refrain from adopting any laws under the decree which would limit the freedom of religion and hamper the exercise of religious rights. Freedom certainly means that every citizen has the right to profess whatever religion he or she chooses, or to be an atheist. Clause 124 of the Constitution of the U.S.S.R. and Clause 123 of the Constitution of the Uzbek Republic provide full freedom in religion and also anti-religious propaganda as an indispensable right of all citizens. The significant feature in the Constitution is that the Soviet legislation classifies religious societies and groups as local committees which entitles the people to practise their faiths and it is prohibited to impose any restriction on the freedom of religion.

Be that as it may, the fact remains that what India is concerned with is those features of the political system which relate to the freedom of each national group to grow in its own way culturally, religiously, politically and educationally. This can only be attained by the grant of maximum autonomy to each State or unit in internal affairs without interference from the Centre. This alone will ensure the survival of each section. Besides, each State should have equal representation in the



Upper House and each House should have equal powers on the Soviet model. It is by adoption of this policy that the national states in this sub-continent—Jammu and Kashmir, a Muslim State; Punjab, a State of the Sikhs; Tamil Nadu, a linguistic nation state; Nagaland, a Christian nation state etc. can look after their cultural, religious and linguistic interests and safeguard their economic interests. What is needed is reconsideration of the powers of each to enable it to grow and progress in its own way. The strength and stability of the country lies in the absence of friction and conflict in the States interse and between the States and the Centre. This strength and stability can be evolved by the adoption of large heartedness in the grant of powers to each State or unit of the Union.

There is, however, another aspect that has got to be looked to and solved. This relates to the national minorities whether religious, linguistic or cultural in each nation State in the country. The tension and conflict in the country is because of the existence of their linguistic, educational and cultural problems. The complaint of each such minority is that efforts are being made to assimilate and absorb it by the Hindi belt States' educational policy and methods of coercion and discrimination. These apprehensions can be avoided by the adoption of cultural pluralism and recognition of the multinational character of each State. This tension can be eliminated by recognition of the hard facts.

One of the ways for the elimination of tension is to recognize the principle of cultural pluralism. It is a system in which the cultural unit in a multi-national State is enabled to look after its cultural interest without interference from outside. Innis Claude, a noted writer on minority problems comments thus on this system : "A variant of the usual type of cultural pluralistic doctrine, the Bauerrenner plan, received some attention during the War. The plan, developed by the Austrian social democrates Otto Bauer and Karl Renner, shortly before the first war envisaged the formation of national groups on the basis of the personality principle as distinguished from the territorial principle; these organised groups would administer cultural affairs and look after the peculiar national interests of their members, operating autonomously in their non-territorial functional spheres of competence within the framework of a

multi-national state, which would superimpose political and economic unity upon the constitutionally established pluralism of national cultural entities. The application of this version of cultural pluralism to Eastern and Central Europe has some appeal to theorists in view of the obvious difficulties of realising the national State ideal in that region and even after establishing a regime of local autonomy for a minority so dispersed as were the various peoples of that area.”<sup>5</sup>

The solution of multi-national and multi-cultural problems in this sub-continent lies in the acceptance of the system of cultural pluralism enunciated above. But its maintenance and functioning calls for either enumerated guarantees or statutory recognition by the multi-cultural or multi-national State or society. The League of Nations system gave such guarantee after the First Great war, in 1919, by recognising the principle of protective intervention for national minorities in Europe by incorporating such guarantees in the treaty with the States having a multi-national character. These guarantees, however, have been dropped by the United Nation Organisation after the Second World War. Instead, a Charter of Human Rights was evolved laying down a criterion and standard of human dignity to be accorded to each individual or cultural group with the moral appeal to the world community that sovereign states are expected to accept the standard and accord a befitting treatment to individuals, and national minorities and groups within their States. There has been, however, no sanction behind these rights conferred by the Charter to the individuals or groups. The world community constituting the United Nations had to see the callous policy of apartheid adopted and practiced by the South African White Government in that continent against the African national groups and inhabitants of Asian descent there. Despite all moral pressure, the United Nations Organisation has not been able to persuade the South African Government to give up that policy. The eviction of the national groups and minorities in certain States of the African continent by the administration there without any protective intervention either by the United Nations or the world community is another instance of the illtreatment of the minority national groups

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<sup>5</sup>Innis L. Claude ‘National Minority’ p. 89.



in different parts of the world. The latest instance on the Indian sub-continent has been the break-up of Pakistan on this issue. Had the Pakistani leadership appreciated the intensity of the feelings of the people of its Eastern wing on linguistic nationalism and their right to economic development in their own way instead of colonial exploitation by the Western wing, the war of liberation would not have come about. Had the world community, through the United Nations Organisation, intervened at the juncture of transportation of troops from the Western to the Eastern wing of Pakistan, the shape of things might have been different and the ugly episode of cultural and physical genocide might have been avoided.

The present tension in this country relating to the dissatisfaction of national minorities in different States can be very greatly diminished by the adoption of the principle and practice of plural culturalism, through statutory enactment by the States in India. We have a statutory enactment of the nature in the shape of the Sikh Gurdwara Act of 1925, which was passed by the Punjab Government in the erstwhile united Punjab of pre-partitioned India, when the population of the Sikhs there was only 13 per cent, and this enactment was brought forward to protect their cultural and religious rights. The provisions of the Act constitute a Board, a statutory body elected on the basis of adult franchise from among the Sikhs which looks after not only, "the maintenance of religious worship and performance and conduct of religious and charitable duties, ceremonies and observances connected therewith" but also "for such religious, charitable and educational purposes as the committee may consider necessary in connection therewith or for the discharge of any obligations legally incurred." The Union Government enacted the Delhi Gurdwara Act in 1972 for the benefit of the Sikhs in Delhi, where too, it has been laid down that the duties of the board elected on the basis of adult franchise by the Sikhs of the Union Territory of Delhi will be amongst other things "(vi) to manage the historical and other Gurdwaras and the gurdwara property in such a way as to make them inspiring centres of the Sikh tradition, Sikh culture and Sikh religion; (vii) to spread education, especially the knowledge of Punjabi and Gurmukhi, to establish educational institutions and libraries and to give aid to such institutions and stipends to the students,

to provide suitable accommodation for pilgrims, to maintain free kitchen, to open free dispensaries and to do such other religious and charitable acts as the board thinks fit; (viii) to render all help in the cause of the uplift of the Sikh community." An enactment on similar lines should be introduced for Sikhs in all States or an all-India Act of the nature to protect the cultural and religious entity of the Sikhs in different States.

The Muslims have also a Waqf Act in operation in different States. The States of Bihar, Delhi, Uttar Pradesh and West Bengal have applied the provisions of the Central Waqf Act of 1954, whereas other States have their local Acts. The ambit and scope of the boards under such Acts can be widened by enabling them not only to manage the Waqf properties but also to look after the educational, cultural and religious interests of the Muslims. But the fundamental provision in such Acts should be such that Boards of Management Council should be elected bodies on the basis of adult franchise of the members of the community concerned to enable them to act independently. At present, all such Boards are nominated bodies, which has given an opportunity to the Muslim community to complain that the State puts in its stooges to run the Boards to the detriment of the interest of Muslims at large.

India will set an example to the world in the matter of acceptance of the principle and practice of cultural pluralism by adopting these measures.

Equally important are the demands of the different States, whether linguistic and racial, like Tamil Nadu, Jammu and Kashmir or Punjab and others, for more autonomy in consonance with a federal shape as envisaged before the Partition of the country, and accepted in the case of Jammu and Kashmir in the agreement with that State. This would enable the States and units of the Union Government to grow in their own way—economically, industrially, culturally and socially, avoiding all conflicts and confrontations in the States interse, and in Centre-State relations. This will not only improve and accelerate the economic betterment of the states, but lead to strength and stability of the country as a whole.



## CHAPTER VI

### *EPILOGUE*

A noted author writes : "There have been, in spite of seeming sameness, many approaches to India's integration. There is the non-economic approach, which is not a complete approach; and there is the conservative approach, in which integration leads to monolithic nationhood with the kind of a simple process which made Sanskritisation and Westernisation effective in the past. Neither history nor economics, neither language nor class can be ignored, and it is good that Indian-ness as broadly accepted allows for diversity of religion, community, tradition, mood and expression. It is only these elements which insist on the Indian nation being one in the sense of being single stranded and not composite—that of threatening the nation building process and encouraging fascism. There are bound to be groups and communities within a nation and people can be simultaneously members of many different groups without being anti-national. Integration should not be strained to the point of denying a right to these diversities."<sup>1</sup> He adds, "India of the past was a concept, a civilisation, a meeting place of the cultures, some time a dream. There were many states in India, kingdoms and republics, and she was politically divided into different States from time to time, but there was always a cultural unity and there was a consciousness of one." There can be differences on the premises of the author that there was any cultural unity at any stage or that the people of India were even conscious of this, but one must agree that people, despite being members of different groups—linguistic, cultural or religious, can be patriotic and national, but how one wishes that Indian leadership has a realistic approach to the

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<sup>1</sup>M. Chalapathy Rau 'Fragments of Revolution'

existent divisions and diversities in the country and makes efforts to build a co-operative and cohesive national edifice by bringing the different nationalities together on political, economic, social, and moral basis inculcating and inducting common objectives, common pains and pleasures on basis of equality of opportunity and fraternity of feelings in practice. Recognition of such diversities and affording to each diverse section an opportunity and atmosphere to grow in its own way would not make them anti-national as conceded by M. Chalapathy Rau. Unfortunately, the old and ancient spirit of tolerance, liberalism and Indianness for which India is said to have stood, according to certain Hindu writers who deify its ancient culture, has been substituted by the modern methods of Indianisation, and the steam roller of assimilation and absorption—social and political, religious and cultural, has been let loose for the purpose. The policies and professions adopted and emphasised during the pre-Partition period regarding a federal set-up of the country and grant of complete autonomy to each unit have been shelved, and new tools for oppression and suppression forged to absorb the minorities and nationalities. Tagore had dreamt of this land in 1941 thus, "In India, the history of humanity is seeking to elaborate a definite synthesis. The history of India is not the history of Aryans or non-Aryans, it is not the history of Hindus nor a history of only Hindus and Muslims taken together. Of late the British have come in and occupied an important place of India's history. This was not an uncalled for or accidental intrusion. If India had been deprived of touch with the West, she would have lacked an element essential for the attainment of perfection. On us today is thrown the responsibility of building up a greater India, in which Hindus, Muslims and Christians, the dark skinned and the white-skinned will all find their place."

The political solution envisaged by the Indian National Congress before partition of the country was a federal set-up having a centre with limited powers allowing the units full provincial autonomy with residuary powers. Soon after the leadership, however, changed its view with regard to the system of government and switched on to the unitary Centre with dependent States. The question that still poses itself prominently is whether the working of this system during the last quarter of a century has contributed to the social and moral



unity necessary for stability, permanence and strength of the country. India has happily come victorious out of three Indo-Pakistan conflicts during the last two decades, but can that be taken as an argument for concluding that the country is set safely on the path to progress without any apprehension of any internal weakness? It seems that the rulers have begun to believe that a strong Central Government is a sufficient unifying force and however wide the diversities among the people be, their being subjected to a single strong government ultimately would make them emerge as a homogeneous people. This premise is absolutely wrong. One government can work as a unifying force only in a country where languages, religions and cultures do not stand in the way of fusion. In India, these factors have been and are effective bars to such fusion. Such fusion is a continuing process in the U.S.A. and had come into England, France, Italy and Germany, as there are no differences there of religion and language. But such fusion could not come in Austria, Hungary, Czechoslovakia and Turkey where there were differences of religion, language and race. As discussed earlier, these features and factors dominate Indian society and have deep roots. Therefore, the welding of Indian society into a homogeneous whole is virtually an impossibility. The ruling party has not been able to bring even an emotional integration in the people which is a first step to the creation of homogeneity and oneness for a nation. Of course, the people have been kept together in a political union. There has been, however, no unity as such in the sense that the people of India still take a pride each in calling themselves either Punjabi, Gujarati, Tamilian, Bengali or Oriya. There is no consciousness of being an Indian first. Without such a sentiment it is a dream to think of social and moral unity which is the basis for a homogeneous society. Different factors contribute to the creation of a homogeneous people and those factors can be categorised as political, social, moral and economic. Not one factor alone can lead to the creation of a homogeneous people and as Renan said, "community of interest is assuredly a powerful bond between men. But nevertheless can interest suffice to make a nation? I do not believe it. Community of interest makes commercial treaties. There is a sentimental side to nationality. It is at once body and soul; a Zollverein is not a fatherland."

Another well-known writer, James Bryce, also subscribes to the same thesis, "The permanence of institution depends not merely in the material interests that support but in the conformity to the deep rooted sentiments of the men for whom it has been made. When it draws to itself and provides fitting expressions for the sentiments, the sentiment becomes thereby not only more vocal but actually stronger, and in its turn imparts a fuller vitality to the institution." These observations were made in connection with the foundation of the German Empire by Bismarck who, according to Bryce, succeeded in creating a durable empire because it was based on sentiment and this sentiment fostered "most of all by what we call the instinct or passion for nationality, the desire of a people already conscious of a moral or social unity to see such unity expressed and realised under a single government, which shall give it a place and a name among civilised states." Political unity cannot be a permanent basis of a strong state. It is social and moral unity which can bring in permanence and stability to the structure. We have instances of political unity in world history and the best illustration is the Roman empire but this political unity did not last long. It was then a feudal age, and with the death or deposition of successive emperors, generals with the aid of their armies in the different parts of the empire became monarchs in the areas under their control.

This internal disruption due to the absence of common sentiment or moral and social unity amongst the people gave an opportunity to the forces outside to attack and disrupt the empire. It is, therefore, apparent that political unity was not enough to give permanence to the Roman empire and as Bryce has pointed out, "the breaking up of the Western half (of the Roman empire) into separate kingdoms might have been anticipated by 200 years, had the Barbarian tribes on the border been bolder, or had there not risen in Diocletian, a prince, active and skilful enough to bind up the fragments before they had lost all cohesion, meeting altered conditions by new remedies." No doubt later, religion acted as a cohesive force to sustain the holy Roman empire for a thousand years, whereas the earlier Roman empire had lasted only 400 years. Prof. Marvin rightly comments in this regard thus : "The unity of the Roman empire was mainly political and military. It lasted for between



400 and 500 years. The unity which supervened in the Catholic Church was religious and moral and endured for a thousand years." Bryce also agrees about the unifying force of religion when he says, "it is on religion that the inmost and deepest life of a nation rests. Because divinity was divided, humanity had been divided likewise; the doctrine of the unity of God now enforced the unity of man, who had been created in his image. The first lesson of Christianity was love, a love that was to join in one body those whom suspicion and prejudice and pride of race had hitherto kept apart. There was thus formed by the new religion a community of the faithful, a Holy empire, designated to gather all men into its bosom, and standing opposed to the manifold polytheisms of the older world, exactly as the universal sway of the Caesars was contrasted with the innumerable kingdoms and city republics that had gone before it. . . . ."

Another and more recent illustration is that of the British Empire. It lasted as long as political unity could be sustained with the help and support of the British armies flung in the different areas of the empire. It failed to maintain political unity after the Second World War when Britain became militarily effete. The British Empire has disrupted to all intents and purposes though it is functioning as an international organisation under the name of the Commonwealth. There is however, no political unity because the structure lacks the sentiment for social and moral compactness.

The present political unity in India that is, Bharat, in the circumstances cannot be enduring unless sentiments and emotions are brought forward or created to give permanence and stability to this political unity. There is neither unity of religion nor of language or of culture. The society is multi-religious, multi-linguistic and multi-racial, and there are no common factors to bind moral or social unity. It shall have to be conceded that without social cohesion, political unity is difficult to achieve as a permanent measure. India may claim to be a State, but it cannot call itself a nation without having a cohesive and unified social structure. India has scanty prospects of becoming a great and powerful country in the world, more especially when different kinds of nationalisms and dynamic forces of the modern era are seeking opportunities to free them-

selves. This might lead to disruption and disintegration, unless ways are found to counteract such contingencies.

There are some lessons to be learnt from world history, both of the past and the present. We have instances of certain countries which were similarly situated in regard to the multi-religious and multi-cultural character of their population. Turkey was one such example. The Turkish Empire on the eve of the French Revolution comprised : (1) the Balkans south of the Danube, (2) Asia Minor, the Levant and the neighbouring Islands (3) Syria and Palestine (4) Egypt (5) North Africa from Egypt to Morocco. The Turks were not illiberal towards the nationalities and minorities in the empire. They had gone far towards solving the problems in such a manner so that the people of different communities with different social heritages could live together in harmony when they are geographically intermingled. The non-Muslim and non-Turkish communities within the frontiers of the Empire acquired territorial as well as cultural autonomy which was unrivalled in the political philosophy of the West. But the Christian subjects were not satisfied with this. Their religious nationalism rose and sought complete freedom. It was this religious nationalism that brought forth the revolt of Balkan States, Bessarabia, Serbia, Greece, Bosnia, Herzegovnia and Montenegro, and by beginning of this century most of the Christian States under the Turks had either become independent or had gained complete autonomy.

The Arabs in the Turkish Empire were tied to Turkey by bonds of religion. The religious tie of Islam is the most powerful cementing factor known to humanity. No social confederacy can claim to rival Islamic brotherhood on the issue of solidarity. The attitude of the Turkish rulers towards the Arabs was brotherly. The non-Muslims were excluded from the Turkish Army, but the Arab soldiers and officers served side by side with the Turks. There was no discrimination against the Arabs, who could aspire to the highest office in the Turkish Empire. There were inter-marriages between the Arabs and Turks, but this factor even could not satisfy the linguistic and cultural ambitions of equality and fraternity between the Arabs and Turks and the Islamic brotherhood of Arabs and Turks was not strong enough to curb and suppress Arab nationalism. Arab nationalism overshadowed the bonds of Islam, leading to con-



flict with Turkish Muslims and the emergence of independent Arab States. The break-way of Egypt occurred in 1769. Syria, Tripoli, Tunis and Algeria and others followed suit, leading to the disruption of the Turkish Empire. The real motivating force was the spirit of nationalism and revolts of the Christians and the Arabs was the manifestation of the inner urge brought by it.

The movements for independence in the countries illustrated above were a result of the urge of nationalism. It is a sentiment that can neither be eluded nor denied. Some may call it an irrational instinct or perhaps a hallucination but the fact remains that it is a potent force which has dynamic power. Wisdom lies in recognising it as does Toynbee, when he says : "Nationalism is strong enough to produce wars in spite of us. It has terribly proved itself to be no outworn creed, but a vital force to be reckoned with." He further points out that "the right reading of nationality has become an affair of life and death."

We have another instance of the exhibition of the nationalist urge in the shape of resistance against a mighty power by a small country, leading ultimately to success. The display of true heroism and dauntless fortitude in the long years of arduous struggle by the North Vietnamese against the biggest power of the world reflects the strength and potency in the will of a people, however small in numbers. It is an acknowledged fact that in the Vietnam War the United States employed its best divisions, vast masses of sophisticated weaponry, and great concentration of air power, but it could not subdue the will of the people. From 1965 on, 14 million tons of ammunition equivalent to explosive power of 700 atom bombs of the Hiroshima variety were exploded. In spite of this the Vietnamese people withstood this on-slaught, ultimately compelling the United States to wriggle out of the situation and seek peace. Here again was manifested the spirit of nationalism.

Another recent instance is the liberation struggle of the people of East Pakistan. The emergence of Bangladesh as a sovereign State is a strong pointer to the obvious premise that linguistic and cultural nationalism has come to be a stronger and more dynamic force than religious nationalism. This struggle has been sought to be justified according to the principle of political philosophy, in that the legitimacy of the Government depends on the consent of the governed. A nation has a



right to seek disruption. This is what Sidgwick had to say on this right in his book (*Elements of Politics*) "..... . Some of those, who hold that a government to be legitimate must rest on the consent of the governed, appear not to shrink from drawing this inference; they appear to qualify the right of the majority of members of a State to rule by allowing the claim of a minority that suffers from the exercise of this right to secede and form a new State, when it is in a majority in a continuous portion of its old State's territory...and I conceive that there are cases in which the true interests of the whole may be promoted by disruption. For instance, where two portions of a State's territory are separated by a long interval of sea, or other physical obstacles from any very active inter-communication, and when, from differences of race or religion, past history, or present social conditions their respective inhabitants have divergent needs and demands in respect of legislation and other governmental interference, it may easily be inexpedient that they should have a common government for internal affairs; while if, at the same time, their external relations, apart from their union, would be very different, it is quite possible that each part may lose more through the risk of implication in the other's quarrels, than it is likely to gain from the aid of its military force. Under such conditions as these, it is not to be desired that any sentiment of historical patriotism or any pride in the national ownership of an extensive territory, should permanently prevent a peaceful dissolution of the incoherent whole into its natural parts."

A nation State can also embrace nationalities or communities. They have a right of insurrection and Sidgwick justified this in these words : "...The evils of insurrection may reasonably be thought to be outweighed by the evils of submission, when the question at issue is of vital importance...an insurrection may sometimes induce redress of grievances, even when the insurgents are clearly weaker in physical force; since it may bring home to the majority the intensity of the sense of injury aroused by their actions. For similar reasons again, a conflict in prospect may be anticipated by a compromise; in short, the fear of provoking disorder may be a salutary check on the persons constitutionally invested with supreme power under a democratic as under other forms of government...I conceive then that a moral right of



insurrection must be held to exist in the most popularly governed community.”

Keeping in view the basic concept of modern times that the source of governmental authority is the consent of the governed, the principle on which this concept is based is (i) equal rights of the people and (ii) self-determination of the people. Both these are inter-connected and one cannot exist without the other. The right of self-determination provides for elimination of non-representative rulers, whether it be a king, dictator, a military man or even an oligarchy or class which does not derive its power from the governed. The principle of self-determination was recognised by a United Nations special committee of 1966 in which the proposal of the United States did not give a right of sovereignty to a State over a territory geographically distinct and ethnically or culturally diverse from it. In this connection two resolutions of the United Nations accepted earlier in 1960 are very relevant. Resolution No. 1514 provides for granting independence to all colonial countries and peoples on the principle : “colonialism in all its forms and its manifestations” is unwholesome and contravenes “the passionate yearning for freedom of all dependent peoples,” and further provides in paragraph 2 that “all peoples have the right of self-determination.” Its paragraph 5 further provides : “Immediate steps shall be taken to entrust all nonself-governing territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any condition or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour in order to enable them to enjoy complete independence and freedom.” By another resolution the United Nations laid down that under article 73 (e) of the Charter of Human Rights, the United Nations Organisation is expected to be informed of any breach : “Prima facie there is an obligation to transmit information in respect of a territory which is geographically separate and is distinct ethnically and/or culturally from the country administering it.” Principle 5 then provides : “Once it has been established that such a prima facie case of geographical and ethnical or cultural distinctness of a territory exists, other elements may then be brought into consideration. These additional elements may be, inter alia, of

an administrative, political, judicial, economic or historical nature. If they affect the relationship between the metropolitan state and the territory concerned in a manner arbitrarily placing the latter in a position or a status of subordination, they support the presumption that there is an obligation to transmit information under Article 73 (e) of the Charter.”

No doubt, the resolution and the above declaration applies to the system of the colonialism prevalent in certain parts of the world and relates to the States which are geographically situated at a distance from a people ethnically, politically and socially different and diverse, yet the principle and the underlying intent can be equally invoked in case of an area or a unit where the ruling authority is different from the peoples ethnically, religiously, linguistically and socially. The principle had been further clarified in 1970 by a special committee of the United Nations which elaborated the declaration of seven principles of international law, now known as “Declaration of Principles of International Law concerning friendly relations and co-operation amongst States in accordance with the Charter of United Nations.” Of these principles, principle (e) deals with equal rights and right of self-determination of people. It states : “By virtue of the principle of equal rights and self-determination enshrined in the Charter, all peoples have the right freely to determine, without external interference their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the charter.” The declaration further provides : “The territory of a colony or other nonself-governing territory has, under the Charter of the United Nations, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the charter shall exist until the people of the colony or non-self governing territory have exercised their right of self-determination in accordance with the charter, and particularly its purposes and principles.”

In the context of such principles laid down and incorporated in the Charter of Human Rights accepted by the international community, there is to be some test by which we have to judge whether the people of a territory have powers and rights which a self-governing people should possess. Similarly, it shall have



to be ascertained whether a minority group, distinct ethnically, culturally, religiously or linguistically from its rulers can possess any voice in its governance. Every territory and people must fulfil the above test. Such tests cannot be applied only to the colonies or to the people ruled by States geographically situated at a distance. The test should have a general application to all countries whether in Africa, Latin America, the Middle East or Asia. The test cannot be limited in application to the dependent peoples in Portugese Angola or Rhodesia or the tribal peoples of Nambia. It equally applies to the peoples in Pakistan and India. The right of self-determination is inherent in the people and is of general application. It is a different matter in what shape or form it should be sought and invoked. The 1970 declaration referred to above has also specified the mode of implementation when it states : "The establishment of a sovereign and independent state, the free association on integration within an independent State or the emergence into any political status freely determined by a people constitute modes of implementing the right of self-determination by that people." It is, of course, correct to assert that the right of self-determination does not permit disruption of a country only when a government derives its authority from the will of the people expressed through periodic and genuine elections. Any other construction on the principle of self-determination would be acceptance and maintenance of despotism and oppressive rule. The declaration of rights accepted by the United Nations also lays down that legitimacy of governmental authority is to be judged only on the basis of the desire and will of the people concerned and states : "The will of the people shall be the basis of the authority of the government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedure."

The 1970 declaration of the United Nations referred to above also provides that, "every State has a duty to refrain from any forcible action which deprives the people referred to above in the elaboration of the present principle of their right to self determination and freedom and independence." This declaration lays down a duty on a State firstly, to promote self-determination and secondly, to refrain from forcible suppres-



sion. Government in the free world should be an institution "deriving their just power from the consent of the governed" and President Jefferson illustrated the grievances of the American people against the British rulers which led to the War of Independence when he said that : "The history of the present king of Great Britain is the history of repeated injuries and usurpation, all having as an indirect objective the establishment of an absolute tyranny over these States. . . . In every stage of these oppressions we have petitioned for redress in the most humble terms ; our repeated petitions have been answered only by repeated injuries. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people." He further expounded the exigencies in which the people have a right to revolt and this has an appeal to the people for all times. He said : "That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles and organising its power in such form, as shall seem most likely to affect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes ; and accordingly all experience hath shown, that mankind is more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their security."

In this connection Jeffersons' declaration of independence by the United States when parting company with the British rulers after the War of Independence in 1776, lays down a path "when in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume among the powers on the earth the separate and equal station to which the law of nature and of natures God entitles them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. The causes that compel the American people were not only to have rights of life, liberty,



equality and pursuit of happiness, but also the right to be self-governed and have representation in their governance.”

It is in the light of these maxims that we have to see the conditions prevalent in this sub-continent, the desires and ambitions of different and diverse peoples inhabiting it as expressed by them from time to time. It was in pursuance of these objectives that East Bengal as part of Pakistan has taken the lead, laying down a path for others to follow, if the rulers do not pay heed to one's justified ambitions and aspirations. It is in that context that further developments are taking place in the truncated Pakistan which do not allow stability to the political set-up in that country. The Constitution of Pakistan has been promulgated, conferring greater autonomy on the different provinces as units of the federation than what the Constitution of India allows to its States and it also incorporates socialistic principles based on the Islamic traditions of 'Mussawat-e-Mohammedi'. Despite this its linguistic and cultural component units i.e. the Pushto-speaking provinces of North-Western Frontier Provinces and Baluchistan, and the Sindhi speaking province of Sind are demanding further autonomy from the Centre. These linguistic and nationalist ambitions persist, despite the Islamic fraternity which binds the people into a homogeneous whole. The conditions in Pakistan cannot achieve stability unless a panacea is found to meet the ambitions of the cultural and linguistic nationalities inhabiting that country.

The situation in India is no better. No doubt, the Central Government is stronger and more stable, and the party in power commands allegiance in different States, but the problem is not to be seen in the present temporary phase but has to be looked at from the broader and more imaginative aspect of the future strength and stability of the country. In this connection the following issues that confront the leadership and call for an expeditious solution.

(i) Has it not become abundantly clear by this time that it is impossible to integrate and weld the different sectors of people and bring forth that social and moral unity in India which can entitle it to be called a nation ?

(ii) Is it not a fact that the different nationalities in India, territorial or those in minority, seek and aspire for greater opportunities and better atmosphere to grow in their own way ?

(iii) Is it not a fact that demands and aspirations of these different nationalities are neither anti-Indian nor disruptive ?

(iv) Would it not be more conducive to the interest of the country as a whole that dialogue on the issues be started across the table amongst different nationalities and peoples in the country; and consensus brought on the revision of the Constitution of India with a view to having a co-operative and cohesive State based on the freedom of nationalities ?

Each of these issues is of vital importance and needs a realistic and dispassionate approach. A quarter of a century is quite a period to give us an indication whether welding or fusion of the peoples of India is feasible. Unfortunately the majority group has followed the policy of assimilation and absorption of the minorities on the assumption that continued subjection to a common and strong government would ultimately result in such fusion and create a nation. Such measures, however, have failed because there has been no appreciation of the characteristics of the differences between the various sectors of the society and communities of the peoples in India. The inherent characteristics, ideological, religious, linguistic, cultural and social in the diverse sections are of a nature which have age-long roots flowing from sanctions which cannot be eliminated or eluded. These diversities and divisions could have been perhaps bypassed if new objectives and new interests common to all had been created with mutual participation leading to economic emancipation and material progress of different peoples.

Such interests could have started from the economic field by affording the proper atmosphere and opportunities to all, canalising their efforts and energies in the mainstream of the socialistic system in which each section could have participated, avoiding the economic disparities which have increased and created discontent which has now been intensified. Besides, under the new political set-up conventions could have been created for permitting the units freedom of action in developmental projects, both in the matter of planning and implementation, by giving each unit and its people more opportunities and a better atmosphere for growth in their own way linguistically and culturally. Here too, however, the effort of the ruling party has been to take all measures, directly or indirectly, to erode the skeleton of autonomy of the units in the so-called



federal structure of India. In this background, the differences amongst different classes have been accentuated and deepened rather than decreased.

The broad picture on the political horizon of India at present is that the State of Jammu and Kashmir with its 65.88 per cent Muslim population as a Muslim nation State is insistent on complete autonomy in accordance with the agreement reached with the Central Government at the time of its accession to the Indian Union and consequential incorporation of article 370 in the Constitution of India. This issue is not internal only, but has assumed international importance. The demand of the Muslims of Jammu and Kashmir State has been taken up by their co-national sovereign State of Pakistan and has directly resulted in the two wars of 1948 and 1965 between India and Pakistan on this issue. The problem of Jammu and Kashmir has become perennial not only for India internally, but is bound to persist, keeping the tension alive between India and Pakistan unless it is solved to the satisfaction of the Muslims of Jammu and Kashmir State. The leadership there, of course, stands by the commitment that the problem is internal between the Centre and the State and Pakistan is not in the picture. Yet Pakistan for its own ends is keeping the issue alive in the hope and belief that Jammu and Kashmir will ultimately merge with Pakistan. This keeps the tension alive, and both countries confront each other fully armed. The economic drain such tension involves on the developing countries, India and Pakistan, is hardly appreciated by the leadership of either. The acquisition of sophisticated arms by both the countries from the world market and their production by India internally illustrates the most appalling burden on the economy of both the countries. This continued confrontation involves diversion of capital, the bulk of which consists of foreign aid for economic planning, to the production or purchase of arms with a view to increasing their respective striking strength. In fact the tension in this sub-continent revolves round the solution of the Jammu and Kashmir problem to the satisfaction of the people there. The United States' recent decision to resume arms supply to Pakistan has once again brought into focus the question of the role, character and consequences of such aid to Pakistan.

Five countries, the United States, Soviet Union, Britain, France and China are mainly responsible for supplying arms to a large number of developing countries with a variety of military hardware including destructive sophisticated weapons. The United States and the Soviet Union between themselves supply nearly two-thirds of such arms traffic, whereas the contribution of Britain and France accounts for 20 per cent. China, which has entered the race of arms supply much later, is estimated to have provided about 350 million dollars worth of arms assistance to different countries, of which nearly three-fourths has gone to Pakistan. The motives of these big powers are obvious. It is not only to maintain a sphere of influence, but also to create a kind of political order in which the donor State aspires to derive some short or long-term political influence on the foreign policy and power position of the aid-taking State to its own national advantage. In fact military aid is used by big powers as a method for gaining access to or establishing hegemony over the client State. Such a situation of seeking aid from other powers and the colossal drain on the economic resources of both the States, India and Pakistan, can be avoided if the leadership assumes a realistic approach to-wards the problems of the nationalities in each country.

What does the leadership of the nation State of Jammu and Kashmir demand ? It does not want to break away from the Union of India, nor does it demand independence. What it wants is autonomy, much less than what was demanded by Sheikh Mujib-ur-Rehman for East Pakistan on the basis of which he fought the election of December, 1970.

The principle of self-determination, which has come to be recognised during the war of liberation of the people of Bangladesh equally applies and can justifiably be invoked by those minorities which claim to be nationalities in the States and Union territories in India. And in accordance with that principle they can justifiably demand that they are entitled to separate electorate to enable the party in power to assess and appreciate their desires and wishes by an electoral method. The joint electorate system has its basis on the principle of one people and one nation. And if that principle is not workable in a society it should not be kept in vogue. Under such conditions



the demand of the minorities such as Sikhs, Muslims and Christians for separate electorates is not unjustified.

Linguistic and cultural nationalism has a greater and more dynamic force than the fraternity of religion. In this context, the demand of the D. M. K. for greater autonomy for the States expresses and reflects linguistic, racial and cultural ambitions of the four Southern States. The success of the D. M. K. as an organization manifesting the need for greater autonomy is very significant. At its earlier stage, the D. M. K. wanted to achieve an independent South India, a Dravidian racial State comprising the four Southern States of Tamil Nadu, Andhra Pradesh, Karnataka and Kerala. This was the objective of the party in its manifesto in and before 1962. This goal of Dravidistan was directed and propagated by Annadurai and his lieutenants until 1963, when the Central Congress leadership introduced an enactment making the oath of allegiance to the Constitution of India binding on those who stand for election to the legislatures. It also made the demand for secession an offence. This made the leadership of the D. M. K. switch from the demand for independence to greater autonomy for the States units. The D. M. K. today stands for increased State autonomy and it battles against the imposition of Hindi on the Southern States. The cultural, racial and linguistic policy of the D. M. K. has, however, a wider mass appeal. The party has been successful in evolving the bonds of common culture and the linguistic and racial urge in the Southern States. It reminds the people of the glories of the Dravidian past and the social oppression suffered by the non-Brahmins at the hands of the Brahmins and Aryan invaders from the North.

In order to mould the masses into a self-conscious people, the leadership of the party has inculcated a sense of pride in the language, literature, the history, heroes, race and culture of the people. The party has moulded the people into a nation. In its election manifesto of 1957, the party reiterated its determination to protect the linguistic and cultural values in the South. Against this background, the party demands the amendment of the Constitution with the objective to obtain enhanced autonomy for the Southern States. Speaking in the course of the general discussion on the budget Dr. Lakshman Swami Mudiyaliar, a minister and prominent member, said on July

3, 1957, ".....I cannot help stating that there has been a considerable amount of uneasiness among the responsible sections of the State as to the manner in which provincial autonomy is being whittled down by the Central Government. Too often, directions are being given in a manner that must necessarily lower the prestige of the ministry of the State. Much of it is due to the fact that we have come to receive doles even as our local boards are receiving at our hands.....Unfortunately, the impression is that the State Government have little or no initiative and it must look out.....for something to fall from the good grace of the Central Government. This has led to the impression that it can achieve something only if the directives of the Central Government are complied with."

Another prominent opposition member, Dr. John expressed the same views. He said, ".....the Central Government is expanding its power. The States are reduced to nothing..... . The result of these measures is that the Central Government is all powerful and every initiative from the State is taken away... The Central Government interferes with the dignity and prestige of the ministers of the States. I am not talking about this particular state. Every state is suffering from this sort of interference..... . My suggestion is to 'limit the central powers.' My experience has shown that the framers of the Constitution did not anticipate the conditions which are prevalent today. Limit the Central jurisdiction to foreign relations, defence and communication and let it have one source of revenue customs..." It would be observed that the Southern States stand for revision in the Constitution to confer on the States greater autonomy to enable the linguistic and cultural groups of the South to grow in their own way.

The stand of the Sikhs about their State of Punjab is equally clear. The Shiromani Akali Dal, the political party representing the Sikhs and which spearheaded the Punjabi Suba movement, has been in the vanguard in all political movements in the country. The discrimination meted out to the Sikhs in all walks of life, and more particularly in carving out and creation of the Punjabi Suba has been a bitter experience for the Sikh people. The means and methods adopted by the Central leadership in sabotaging the ministries sponsored by this party from 1967 to 1971 has further embittered feelings. The party had



taken the stand in 1968 in its Batala Conference that, "Shiromani Akali Dal demands that the Constitution of India should be on correct federal basis and that the States should have greater autonomy." The trend in the party leadership's thinking thereafter has been that the future political structure should be such, wherein the Union Government should have clearly defined powers. In this connection the Working Committee of the party in a lengthy resolution in October 1973 resolved that "the power of the Centre should be limited to only Defence, External Affairs, Communications and Currency and Punjab should have complete powers over all the rest besides having freedom to draft its own Constitution." (Translation mine). This is a very significant feature in the Party's stand after the emergence of Bangladesh.

This demand has another aspect which is of vital importance. Punjab is the homeland of the Sikhs with their substantial majority and is a border state. Many amongst the Sikhs assert and emphasize that if the Government of India could support the right of self-determination for the people of East Pakistan, a linguistic and cultural nationality in that State against colonial and oppressive rule of the Western wing, why should the same right of self-determined status be denied to them (Sikhs) especially when the demand is much less than the six-point programme of the Awami party. They only ask for complete autonomy within the Union of India as provided for in the Constitution for the State of Jammu and Kashmir at the time of accession to the Union.

Religious-cum-racial nationalism of the people in the eastern sector of the country is equally significant and serious. Unfortunately the demand of those people was looked upon lightly at one time by the Indian leadership resulting in violent conflict, confrontation and bloodshed for 16 years in that sector. The struggle has been intense and it was only recently that realisation of the situation dawned on the Central leadership. Recognition was given to the demand and four States namely Nagaland, Manipur, Tripura and Meghalaya and the two Union territories, Mizoram and Arunachal Pradesh were created. This, however, has not satisfied the people of these regions. The struggle still persists. There may be peace but not normalcy. The problem is more acute in Nagaland where the people

demand complete independence. The movement for independence has not emanated from exploitation or interference in religious practices or from any attempt to change the social structure but, as V. Elvin writes in his book 'Nagaland', "The Naga disturbances are unique in having an almost entirely political foundation." The basis of the trouble is the premises propounded by Phizo, the Naga leader, that Nagaland had never been a part of India. It was an independent territory conquered like Burma and should have become independent on the withdrawal of the British. It was against this background that the Nagas declared the independence of Nagaland on August 14, 1947. On March 22, 1956, the Naga National Council and Free Nagaland Organisation united as the Federal Republic of Nagaland; and fighting continued between the armed forces of the Federal Republic and the Government of India from March 1956 till September 1964. This fighting persisted despite the fact that the Government of India had agreed to the demand of a section of the Nagas, conveyed through the Naga People's Convention, that the Naga Hill district of Assam and Tuensang Frontier Division of NEFA be constituted as a single unit; and accordingly the Naga Hills Tuensang area was formed in 1957. The moderate section of the Naga People's Convention again demanded that a separate State of Nagaland be created and that too was conceded in 1963. The armed struggle between the underground guerillas of the Federal Republic of Nagaland and the troops of the Government of India extended throughout the area till 1964 when at the Third Naga Baptist Convention held at Wokha in February 1964, a resolution was passed urging the Government of Nagaland and through it the Government of India "to open further avenues for making available the services of Jayaprakash Narain, Shankar Dev, Bimla Parshad Chaliha and the Rev. Michael Scott with the sole object of its exploring ways and means for the speedy restoration of peace and normalcy in Nagaland."

Hence the peace mission comprising Jayaprakash Narain, B.P. Chaliha and the Rev. Michael Scott held a series of discussions with the underground leaders, as a result of which the cease-fire came into effect from the midnight of September 5, 1964. It was thereafter that in December, 1964, this mission made a proposal that a "Nagaland Federal Government"



should advise the people to join the Union of India on their own volition; and submitted its proposal which was a compromise between the stand of two opposing parties i.e. the Nagaland Federal Government and the Government of India. The relevant clause of the peace mission's proposal was : "On the one hand, the Nagaland Federal Government on their volition decide to be participant in the Union of India and mutually settle the terms and conditions for that purpose. On the other hand the Government could consider to what extent the pattern and structure of the relationship between Nagaland and the Government of India should be adopted and recast, so as to satisfy the political aspirations of all sections of Naga opinion."

The peace mission accepted the principle that all subject peoples have the right of self-determination and as such no group of people was competent to rule over another. The appeal to the Nagas was to dovetail them into the Union of India. These premises were also accepted by the Government of India on the basis of which talks started between them and the Naga leadership. It was in October 1969 that during the fourth round of the talks that Kughato Sukhai, Atokilonser (Prime Minister) of the Naga Federal Government, the leaders of the delegations submitted a 14 point demand to the Prime Minister of India, but nothing tangible came out of these talks. The movement amongst a large section of the Nagas for complete independence continues and there is sympathetic acquiescence from the Kukis of Manipur and Mizos of Mizoram and other tribes of the area. The disaffected elements have formed a revolutionary Government in Manipur with the backing of the 'Federal Government of Nagaland', another revolutionary organisation of Nagas. There had been further talks between the Naga leaders and the Government of India, but no settlement has been arrived at. The strife in this area should be a matter of concern to the Central leadership. This region comprises of the States of Nagaland, Meghalaya, Manipur and Tripura and the Union Territories of Mizoram and Arunachal Pradesh with their separate cultures. The people of the region are not satisfied with the autonomy granted to them. The strategic position of this region with China in the North, Burma in the East and Bangladesh close to its Western border, demands the prevalence of peace and contentment in this region, especially as Pakistan



and China have been overtly aiding the people of this region against India. Peace cannot exist in this region unless a more imaginative and visionary policy is adopted giving complete autonomy to these States.

It shall have to be admitted that except for the stand of a section of Nagas, no political party representing the Muslims, Sikhs or Christians has its objective to secede from or disrupt the country. The three wars with Pakistan during the last quarter of a century have established beyond doubt the loyalty of the nationalities towards the Union of the country during these conflicts.

With this background of loyalty to the integrity and solidarity of the country, would it not be politically advisable for the present rulers to assume a realistic approach to the wishes and ambitions of the different nationalities and sections of the Indian people? It should be recalled that there was serious consideration after the 1967 elections by the Central leadership to have a dialogue across the table with different parties on the diverse provisions for a Constitution of India relating to Centre State relationship when several non-Congress governments were formed in different States. The then Union Law Minister, Govinda Menon, told the press on March 2, 1969 that there should be a "national debate on the question of the powers of the Centre and the States" and added that "the States should have more power but thought it could not be settled by an independent machinery as proposed by the Kerala Chief Minister." In his view a few top statesmen of the country should sit together and consider whether distribution of power between the Centre and the States should be reviewed. The issue, however, was shelved after the General Elections of 1971 to the Lok Sabha and General Elections of 1972 to the State legislatures, when the ruling Congress led by Indira Gandhi swept the polls on the transitory slogan of 'Garibi Hatao.' This, however, should not lull the ruling party into complacency about the importance and implications of the issues involved. The liberation struggle of the people of Bangladesh has already brought into focus the principle of the right of self-determination, and has set the different nationalities in India thinking over the reasons as to why the Indian leadership is refusing to concede similar rights to the Muslim majority of Jammu and Kashmir, the Sikh majority of Punjab, the linguistic



and cultural groups of the Southern States, linguistic and racial groups in the Eastern sector, when this demand is confined to the limited extent of greater authority within the States where these nationalities and groups live. These demands are very much alive, and it would be fool-hardiness to leave them unsolved.

Most of the parties including the ruling Congress are wedded to the socialistic concept of economy and society. The history of mankind from earliest antiquity to our times has been an uninterrupted chain of religious, national, racial and tribal conflicts, which time and again have plunged the countries and peoples of the world into an abyss of bloodshed and sufferings due to economic disparities between individuals and nations. It is against this back-ground that a solution has been found by the adoption of the socialist concept of society to diminish the scope of exploitation of individuals and minority groups. The adoption of the socialistic system should, however, be on the lines of the participation of the masses in the mainstream of production and profit sharing rather than imposition and infliction of State capitalism which has the same inherent evils as private capitalism. A socialistic society flows from the strength of its working class comprising all categories including intellectuals ; and once opportunities of exploitation of man by man, class by class, community by community is eliminated, national oppression is rooted out and backwardness of the oppressed and income disparities draw the people together. The system itself brings not only sharing of common pleasures and suffering but also participation in common objectives and ventures which engender a feeling of community of interest and common nationalism. It shall have to be admitted that the history of most of the multi-national states has been a record of continuous aggravation of national antagonism due to favoured treatment to one section and exploitation of another. Exploitation has been the basic evil. Social oppression and, for that matter, suppression of the minorities and nationalities by the majority are the causes of conflict and antagonism. It should also be remembered that nationalist prejudices are extremely tenacious and deeply embedded in the psychology of the people. These prejudices survive even when the objective premises for antagonism between the majority and minority classes have ceased to exist. But these prejudices can be exaggerated if there



is even a modicum of exploitation and oppression. It should also be borne in mind that nationalistic tendencies often interwoven with parochial attitudes are akin to nationalism. But all these conflicts can be eliminated and avoided if basic fundamentals are recognised and accepted.

The adoption of a socialistic concept of society has certain postulates. Fundamental rights of nations and nationalities, even up to secession and forming national states of their own is designated as the right of self-determination. This demand manifests opposition to national oppression and is in consonance with the basic principle that the legitimacy of a Government depends on the consent of the governed. This right cannot be refused. In the case of Soviet Russia, this demand of the right of self-determination and the consistent struggle for its implementation facilitated the growth of class consciousness amongst the working people and helped to promote their solidarity in the fight against exploitation. It also helped to create and consolidate a voluntary alliance of nations and nationalities who adopted the road to socialistic development. It was in this context that Lenin stated, "the proletarian party strives to create as large a state as possible.....It strives to draw nations closer together and bring about their fusion ; but it desires to achieve this aim not by violence, but exclusively through a free fraternal union of the workers and the working people, of all nations."

The Soviet Union has solved its problem of more than 100 nations and nationalities on the basis of this principle. Its experience in establishing a multi-national State has won worldwide acclaim. The Soviet leadership's handling of the nationality question has led to the abolition of political inequality of nations and nationalities, elimination of backwardness inherited from the exploitation system and removal of distrust between the different peoples. Recognition of the principle of nationalities, their right to grow in freedom in their own territories, and adoption of the socialistic system are factors which are capable of cementing people of different nationalities into a united friendly and close-knit family. Prime Minister, Indira Gandhi recognised this in her reply to the question, "what do you think about the way the nationalities question has been handled in the Soviet Russia ?" Put to her by Russian editors on the occasion of the 50th anniversary of the founding of the



Union of the Soviet Socialistic Republics, when she said ? “In order to develop normally, states that comprise different racial and linguistic elements must ensure their unity notwithstanding all their diversities. The method followed by the Soviet Union in solving its nationalities problem has considerably enriched its literature and art, and consolidated the structure of the State. We in India hold the view that strength lies not in uniformity imposed from above, but in promoting the individual culture of the various groups that make up the whole people, and in encouraging their feelings that, far from being incompatible with the development of their own culture, loyalty to the State contributes to it.” How one wishes these views are given a practical shape in the constitutional set-up of the country and functioning of its administrative machinery as a whole.

There are two basic things that imperatively call for the revision of the Constitution of India to mould it in a truly and correct federal form. Firstly, it should be recognised that Indian society is multi-national, multi-lingual, multi-religious and some of these groups are concentrated in certain areas which have been carved into States; secondly, there has been a persistent demand from each group for more power for their States and units in a truly federal set-up. These demands are not presently based on any objective of disintegration of the country or its disruption, but they are urged with a view to having an opportunity and atmosphere to grow in their own way in their own areas. Therefore, adoption of the methods and the manner of Soviet Russia in the solution of the nationality problem is not only worthy of study, but their adoption by Indian leadership is desirable. This does not mean acceptance or imposition of communism as such. It only means experimentation and adoption of good traits and features of other political systems.

It should be kept in mind that the linguistic, religious or national groups seeking additional powers for their States are not averse to the vesting of sufficient power in the Centre which is a sine qua non for the strength and stability of the country. All they want, however, is that they should have full autonomy within their own sphere. Cannot human ingenuity and mutual consultations evolve a constitution in which independence and initiative is given to nation States in India and cultural autonomy vested in the nationalities in States where they are in a



minority in keeping with the functions and tasks of each one of them in settling their own local affairs and in the sharing of the means and methods for it. The Centre should have the power of mapping and carrying out general policies in the main fields of Defence and Foreign Affairs which are associated with the vital interests of India as a whole. Acceptance and adoption of such a policy will eliminate tension between different cultures and linguistic groups until they draw together in the common socialistic stream, enabling growth of a new community of people. This will introduce harmony amongst classes and groups of society and create fraternal feelings, thus bringing in unity, social, moral, political and ideological. The strength of the country depends on good relations between the different nationalities hinged on a socialist concept of society. This can be forged by the efforts of all peoples on the basis of harmonious combination of interest of society as a whole, tied with the interest of each nationality. This can contribute towards strengthening the unity of the country. Who knows that working on these lines in an imaginative and constructive manner for cohesion out of diversity in this sub-continent may attract Pakistan and Bangladesh even to a confederation. This will be the complete solution of many problems of this sub-continent. May be, we have a common defence.

It should be borne in mind, however, that persistence of Indian leadership in assuming an ostrich-like attitude towards the urgent problem of nationalities in India has dangerous potentialities. The recent incidents bear this out. The confrontation with the Naga underground elements in the Eastern sector reflects the casual attitude of the leadership towards urgent problems. Had the Government of India been prudent enough to accept in 1950 what they acceded to at the instance of the Peace Commission in 1964 towards the rights of the peoples to self-determination, two decades of violence and bloodshed could have been avoided. Similarly, had the Pakistan leadership accepted the significance of the six-point programme of Sheikh Mujib-ur-Rehman backed by the people of Bangladesh and agreed to draw a constitution on its basis with his collaboration, Pakistan would not have disintegrated.

There is also a fundamental duty that devolves on the leadership of the Muslims, Sikhs and other minorities that claim to



be nationalities. They have undoubtedly justified plaint regarding the callous and indifferent attitude of the majority which can be correctly interpreted in the words of Benedetto Croce : "Man learns nothing from history except that he learns nothing from history." The leadership of these nationalities should, however, appreciate that they are and have to remain citizens of India and their interests are irrevocably linked up with the interests of the country as a whole. They have to make efforts to win the confidence of the majority by remaining loyal to the country without foregoing their right of equality and honourable existence. This can be accomplished by accepting the integrity and solidarity of the country and refraining from resorting to acts which spell out that these nationalities seek disintegration of the country.

Co-operation and collaboration between the major nationalities in India is essential both in the interest of their safety, security and honourable existence as well as in the interest of the country. The continued tension and cold war between India and Pakistan is not conducive to the good of the minorities in India, nor is it in the interest of peace and tranquillity essential in the sub-continent. The venue of future conflict has shifted from Europe to Asia and the super powers are out to create spheres of influence in this region. This is the cycle of history. The clash is in the global interest of the super powers who are trying to shift it to this region. The possibility cannot be excluded that with the developments taking place in this region, the venue of a future conflict may be in Asia. God save these countries if this happens. It is for this reason that the foremost and primary interest of India, Pakistan and Bangladesh lies in the pursuit of a policy which is conducive to bringing concord to this sub-continent.

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